

## **Chapter 330**

### **ZONING**

**[HISTORY: Adopted by the Town Board of the Town of Holland 6-12-2006 by Ord. No. 3-2006, reaffirmed 7-10-2006 by Ord. No. 4-2006 and amended 11-13-2006 by Ord. No. 5-2006.<sup>1</sup> Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Plan Commission — See Ch. 85.**

**Building Construction — See Ch. 150.**

**Land Division — See Ch. 335.**

**Farmland Preservation — See Ch. 91, Wis. Stats.**

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1. Editor's Note: On October 3, 2006, the Town of Holland Zoning Ordinance text and map were stamped "certified through December 31, 2016" by the Wisconsin Land and Water Conservation Board.

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## **ARTICLE I – Introduction**

### **§ 330-1. Authority.**

This chapter is adopted under the authority granted by § 60.61, 60.62, 61.35, and 62.23, Wis. Stats., and amendments thereto.

### **§ 330-2. Title.**

This chapter shall be known as, referred to as, and cited as the "Zoning Ordinance for the Town of Holland, Sheboygan County, Wisconsin" and hereinafter referred to as "this chapter."

### **§ 330-3. Purpose.**

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Holland.

### **§ 330-4. Intent.**

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and water within the Town of Holland and to:

- A. Stabilize and protect property values.
- B. Provide for the needs of agriculture, forestry, industry, and business in future growth.
- C. Regulate the use of land and further conservation of natural resources.
- D. Encourage the wise use, conservation, development, and protection of the Town of Holland's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.
- E. Preserve the natural beauty of the Town of Holland.
- F. Regulate population density and distribution to avoid urban sprawl.
- G. Facilitate the adequate provision of public facilities and utilities.
- H. Lessen congestion and promote the safety and efficiency of streets, highways, and other transportation systems.
- I. Provide adequate light, air, sanitation, drainage, and open space.
- J. Regulate the use of structures, lands, and waters.
- K. Regulate lot coverage, population density and distribution, and the location and size of structures.
- L. Prohibit uses or structures incompatible with the natural characteristics, existing development, or intended development within or adjacent to a zoning district.
- M. Secure safety from fire, pollution, contamination and other dangers.
- N. Implement the Town, county, watershed, and regional comprehensive plans or their components adopted by the Town of Holland.
- O. Provide for the administration and enforcement of this chapter and provide penalties for violation of this chapter.

**§ 330-5. Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**§ 330-6. Interpretation.**

In the interpretation of this chapter and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Holland and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**§ 330-7. Severability and nonliability.**

- A. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.
- C. The Town of Holland does not guarantee, warrant, or represent that only those areas delineated as floodlands, wetlands, or drainageways will be subject to periodic inundation, nor does the Town of Holland guarantee, warrant or represent that any soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the Board of Supervisors, its agencies, or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

## ARTICLE II – Word Usage and Definitions

### § 330-8. Word usage.

For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "he" includes the word "she." The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this article shall be presumed to have their customary dictionary definitions.

### § 330-9. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE (FARM) — Any of the following land uses on a farm:

- A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- B. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- C. A farm residence.
- D. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Subsections A or C, that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- E. Any other use that DATCP, by rule, identifies as an accessory use.

ACCESSORY USE (NON-FARM) — A building, structure, or improvement that is an integral part of, or incidental to, a principal building or structure on the same lot.

AGRICULTURAL USE — Any of the following:

- A. Any of the following activities conducted for the purpose of producing an income or livelihood:
  - (1) Crop or forage production.
  - (2) Keeping livestock.
  - (3) Beekeeping.
  - (4) Nursery, sod, or Christmas tree production.
  - (5) Floriculture.
  - (6) Fur farming.
  - (7) Forest management.
  - (8) Enrolling land in a federal agricultural commodity payment program of a federal or state agricultural land conservation payment program.

B. Any other use that DATCP, by rule, identifies as an agricultural use.

AGRICULTURAL-RELATED USE — Any of the following:

A. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

B. Any other use that DATCP, by rule, identifies as an agricultural-related use.

AIRPORT, PUBLIC — Any airport that complies with the definition contained in § 114.002, Wis. Stats., or any airport that serves or offers to serve any common carriers engaged in air transport.

ALLEY — A special public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

ALTERNATIVE TOWER STRUCTURE — Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including, by way of illustration, but not limited to elevated tanks, electric transmission poles or towers, nonresidential buildings, clock towers, bell steeples, and silos. See "communication tower."

ANIMAL UNIT — One animal unit shall be defined in accordance with § NR 243.11(3), Wis. Adm. Code, except that the animal unit for an equine shall be 1,000 pounds in the A-5 Zoning District. If the animal is not listed in the above regulation, the Town Board shall determine the calculation for such animal.

ANTENNA — Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any other form of wireless telecommunication signal, including radio, television, telephone, microwave, cellular, and PCS signals. See "antenna array."

ANTENNA ARRAY — A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecommunications signal.

AREA, NET DEVELOPABLE — Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12% or greater, and all lands having slopes of 20% or greater.

ARTERIAL STREET — See "street."

AUTOMOBILE SALVAGE YARD — Any premises on which two or more disassembled, inoperable, junked or wrecked motor vehicles are stored in the open. (See "junkyard.")

BASE FARM TRACT — One of the following:

A. All land, whether one (1) parcel or two (2) or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm on or before (insert date of adoption), which under § 91.36 (1), Wis. Stats., signifies DATCP's certification of the farmland preservation ordinance covering the land regardless of any subsequent changes in size of the farm.

B. Any other tract that DATCP by rule defines as a base farm tract.

BASEMENT — A space having 1/2 or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet, which, if used for dwelling, office, or similar purposes, shall be counted as a story.

**BOARDER** — An individual other than a member of the family occupying the dwelling unit or part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

**BOARDINGHOUSE** — A dwelling or part thereof, other than a hotel or motel, in which the owner or operator provides lodging to more than three boarders.

**BOATHOUSE, PRIVATE** — A building designed exclusively for the sheltering of boats or related marine equipment, not below the ordinary high-water mark of a navigable body of water and not used for human habitation. (A boathouse with rooms above for lodging is defined as a dwelling and shall be treated as such in this chapter.)

**BUILDABLE LOT AREA** — The portion of a lot remaining after required yards have been provided.

**BUILDING** — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials of any kind or nature.

**BUILDING COVERAGE** — The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING HEIGHT** — The vertical distance of a building measured from the average elevation of the finished grade along the front yard face of the structure to the highest point of the roof.

**BUILDING LINE** — A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

**BUILDING, PRINCIPAL** — A building in which the principal use of the lot on which it is located is conducted.

**BULKHEAD** — A retaining wall created along a body of water behind which fill is placed.

**BULKHEAD LINE** — A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to § 30.11, Wis. Stats., and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this chapter.

**BUSINESS** — An occupation, employment, or enterprise that occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered, other than home occupations.

**CARPORT** — A structure having a roof, with or without supporting walls, posts, or columns, used, designed, or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this chapter, a carport shall be considered to be the equivalent of a garage.

**CAR WASH** — A structure containing facilities for washing vehicles using a chain conveyor or other method of moving the vehicles along and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

**CELLAR** — A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 1/2 feet.

**CLINIC** — An establishment for the medical examination and treatment of patients, but where patients are not usually lodged overnight. For the purposes of this chapter, a doctor's or dentist's office in his own home, when it complies with the requirements of this chapter relating to such

offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a dwelling or not, shall be considered a clinic.

**CLUB** — An association of persons organized for some common purpose and usually characterized by membership qualifications, payment of dues, regular meetings, and a constitution and bylaws, but not including groups organized primarily to render a service that is customarily carried on as a business (i.e., racquet clubs operated for profit).

**CLUSTER DEVELOPMENT** — A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for open space areas, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by open space areas.

**CLUSTER GROUP** — A group of single-family detached dwellings within a cluster development, surrounded by open space areas that comprises at least 60% of the gross tract area. The rear lot lines of the lots within the group shall define the outer boundary of a cluster group.

**COLLOCATION** — Location of antennas or antenna arrays operated by more than one wireless communication service provider on a single tower or alternative tower structure.

**COMMERCIAL FEED LOT** — An animal confinement facility used or designed for the feeding or holding of 1,000 or more animals units for a period of 30 days or more.

**COMMON ELEMENTS** — Land amenities, parts of buildings, central services and utilities, and any other facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

**COMMON FACILITIES** — All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster group, including but not limited to buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that serve more than one unit, such as sewerage and water supply facilities.

**COMMUNICATION TOWER** — Any structure that supports one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.

**COMMUNITY ASSOCIATION** — A condominium association or homeowners' association.

**COMMUNITY LIVING ARRANGEMENT** — The following facilities licensed or operated or permitted under the authority of the Wisconsin Statutes: child welfare agencies under § 48.60, Wis. Stats., group homes or foster homes under § 48.02(6) and (7), Wis. Stats., and community-based residential facilities under § 50.01, Wis. Stats., but does not include day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with §§ 46.03(22), 59.69(15) and 62.23(7)(i), Wis. Stats., and amendments thereto.

**COMPREHENSIVE PLAN** — A comprehensive long-range plan intended to guide the growth and development of a community or region, and one that includes analysis, recommendations, and proposals for population, housing, economy, transportation, community facilities, and land use.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** — An animal feeding unit as defined in Ch. NR 243, Wis. Adm. Code, as amended.

CONDITIONAL USE — A use of a special nature so as to make impractical its predetermination as a permitted use in a district.

CONDOMINIUM — A form of real property ownership under which a declaration of condominium has been recorded pursuant to Ch. 703, Wis. Stats. Typically, a building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION — The community association that administers and maintains the common property and common elements of a condominium.

CONSERVATION EASEMENT — The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future addition or development.

CONSISTENT WITH AGRICULTURAL USE — See "use consistent with agricultural use."

[DATCP — The Department of Agricultural, Trade and Consumer Protection.](#)

DAY-CARE CENTER — An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to § 48.65, Wis. Stats.

DEED RESTRICTION — A restriction upon the use of a property set forth in a deed.

DENSITY, GROSS — The number of dwelling units permitted on a development tract based on a formula in which the gross acreage is divided by a specified density factor. Existing dwelling units within the parcel are included in the calculation. See "net buildable area."

DEVELOPMENT — The division of a parcel of land into two or more parcels or any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

DWELLING — A building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses, hotels, motels, tents or cabins.

DWELLING, ATTACHED — A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING, DETACHED — A dwelling that is not attached to any other dwelling by any means.

DWELLING, MULTIPLE-FAMILY — A residential building designed for occupancy by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

DWELLING, QUADRUPLEX — Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

DWELLING, SEMIDETACHED — A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

DWELLING, SINGLE-FAMILY — A detached building designed for or occupied exclusively by one family.

DWELLING, TOWNHOUSE — A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common, fire-resistant walls.

DWELLING, TRIPLEX — A dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall.

DWELLING, TWO-FAMILY (DUPLEX) — A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT — One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EGG PRODUCTION, COMMERCIAL — An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 10 or more animal units.

ELDER CARE FACILITY — A long-term residential care facility such as a continuing care retirement community, community-based residential facility, residential care apartment complex, adult day service, or skilled nursing facility.

EMERGENCY SHELTER — Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

FAA — Federal Aviation Administration.

FAMILY — One or more individuals occupying a dwelling unit and living as a single household unit.

FARM — All land under common ownership that is primarily devoted to agricultural use.

FARM ACREAGE — Size of a farm in acres.

FARM CONSOLIDATION — The combination of two or more farms to create a smaller number of farms.

FARM FAMILY BUSINESS — Any lawful activity, except a farm operation, conducted primarily for any of the following:

- A. The purchase, sale, lease or rental of personal or real property.
- B. The manufacturing, processing or marketing of products, commodities or any other personal property.
- C. The sale of services.

FARMLAND PRESERVATION AREA — An area that is planned primarily for agricultural use or agricultural-related use, or both, and that is one of the following:

- A. Identified as an agricultural preservation area or transition area in a farmland preservation plan described in § 91.12 (1), Wis. Stats.
- B. Identified under § 91.10 (1)(d), Wis. Stats., in a farmland preservation plan described in § 91.12 (2), Wis. Stats.

FARMLAND PRESERVATION PLAN — Sheboygan County Farmland Preservation Plan.



FARMLAND PRESERVATION ZONING DISTRICT — Any of the following:

- A. An area zoned for exclusive agricultural use under an ordinance described in § 91.32 (1), Wis. Stats.
- B. A farmland preservation zoning district designated under § 91.38 (1)(c), Wis. Stats., in an ordinance described in § 91.32 (2), Wis. Stats.

FARMLAND PRESERVATION ZONING ORDINANCE — Zoning Ordinance for the Town of Holland, Sheboygan County, Wisconsin, dated (insert date of adoption), including any amendments, revisions or modification incorporated thereafter.

FARM OPERATION, LARGE SCALE — An operation that includes the cultivation or production of plants on 100 acres or more of land or the husbandry of 1,000 animal units or more as defined in accordance with § NR 243.11(3).

FARM OPERATION, SMALL SCALE — An operation that includes the cultivation or production of plants on 99 acres or less of land or the husbandry of 999 animal units or less as defined in accordance with § NR 243.11(3).

FARM RESIDENCE — Any of the following structures that is located on a farm:

- A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
  - (1) An owner or operator of the farm.
  - (2) A parent or child of an owner or operator of the farm.
  - (3) An individual who is principally engaged in conducting an approved agricultural use.
- B. A migrant labor camp that is certified under § 103.92, Wis. Stats.

FARMSTEAD — A group of existing buildings with accessory structures, such as barns, silos, storage sheds, cribs, and coops, used for agricultural purposes and which may or may not include a dwelling.

FCC — Federal Communications Commission.

FLAG LOT — A lot that conforms in all respects to area and dimensional requirements of the zoning district in which it is located, except that the only street frontage and access is limited to an access strip. This definition does not include the commonly used wedge-shaped lots located on the bulb of a cul-de-sac street.

FLOATING ZONE — An unmapped zoning district where all the district requirements are contained in this chapter and the district is fixed on the map only when an application for development, meeting the district requirements, is approved.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, NET — The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to

the public.

**FLOOR AREA RATIO** — The gross floor area of all buildings on a lot divided by the lot area.

**FRONTAGE** — That side of a lot abutting on a street; the front lot line.

**FUR FARM** — Any property comprising land or buildings, or both, used for the purpose of raising or harboring fur-bearing animals, including those defined in § 29.001(30), Wis. Stats., and also including chinchillas and other fur-bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

**GARAGE, PRIVATE** — An accessory building or accessory portion of a main building or use that is used primarily for the parking and storage of vehicles owned and operated by the residents or visitors of the principal use and which is not available to the general public.

**GARAGE, PUBLIC** — Any building or portion thereof, not accessory to a residential building or structure, used primarily for the parking and storage of vehicles and available to the general public.

**GARAGE, REPAIR** — Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

**GOVERNING AUTHORITY** — The Town Board of the Town of Holland or, in cases in which authority has been delegated by ordinance, the Town Plan Commission.

**GRADE** — The degree of rise or descent of a sloping surface.

**GRADE, FINISHED** — The final elevation of the ground surface after development.

**GRADE, NATURAL** — The elevation of the ground surface in its natural state, prior to any development.

**GRADING** — Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

**GROUND FLOOR** — The first floor of a building other than a cellar or basement.

**HOME OCCUPATION** — Any occupation for gain or support conducted entirely within buildings by resident occupants that is customarily incidental to the principal use of the premises.

**HOMEOWNERS' ASSOCIATION** — A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

**HOME PROFESSIONAL OFFICE** — A home occupation consisting of the office of a practitioner of a recognized profession meeting the requirements of [Article VII](#) of this chapter.

**HOTEL** — A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

**HOUSEHOLD** — A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**IMPERMEABLE SURFACES** — All surfaces that restrict or limit percolation of precipitation. This includes, but is not limited to, driveways, concrete or asphalt surfaces, and roofed structures.

**JOINT EXTRATERRITORIAL ZONING COMMITTEE** — Any zoning committee established in accordance with § 62.23(7a), Wis. Stats.

**JUNKYARD** — Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, or machinery or two or more disassembled, inoperable, junked or wrecked motor vehicles.

**KENNEL** — An establishment, in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

**LAND DIVISION** — The act of division that creates two lots or building sites. See also definition for Major Land Division and Minor Land Division.

**LAND DIVISION, MAJOR** — The act of division that creates three or more lots or building sites, inclusive of the original remnant parcel, by a division or by successive divisions of any part of the original property within a period of five (5) years.

**LAND DIVISION, MINOR** — The act of division that creates two lots or building sites, inclusive of the original remnant parcel, by a division of any part of the original parcel.

**LIVESTOCK** — **Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.**

**LOADING AREA** — An off-street space or berth used for the loading or unloading of commercial vehicles.

**LOT** — A parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that such parcel shall not be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

**LOT, CORNER** — A lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of 135° or less.

**LOT COVERAGE** — That portion of the lot that is covered by buildings and structures.

**LOT DEPTH** — The distance measured from the front lot line to the rear lot line.

**LOT FRONTAGE** — The length of the front lot line measured at the street right-of-way line.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT LINE, FRONT** — The lot line separating a lot from a street right-of-way.

**LOT LINE, REAR** — The lot line opposite and most distant from the front lot line or, in the case of triangular or other irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE** — Any lot line other than a front or rear lot line.

**LOT, REVERSE FRONTAGE** — A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

**LOT, SUBSTANDARD** — A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard,

off-street parking area, or other open space provisions of this chapter.

**LOT, THROUGH** — A lot which fronts upon two substantially parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**LOT WIDTH** — The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. This term includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

**MOBILE HOME** — A single-family dwelling built on or before June 15, 1976, designed to be towed or transported and used as a residential dwelling, but does not include a manufactured home. "Mobile home" also means any coach, cabin, trailer, travel trailer, motor home, house car or other structure which is, or was originally constructed or designed to be, transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexations or appurtenances thereto.

**MOTEL** — A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

**NET BUILDABLE AREA (NBA)** — A calculated area upon which the density for cluster development is computed. Net buildable area is the area of a site expressed in acres remaining after subtracting all or a percentage of the following factors from the site's gross area: existing street rights-of-way, utility rights-of-way, floodplain, wetlands, water, and steep slopes.

**NONCONFORMING LOT** — A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this chapter, but which fails thereafter to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE** — Any structure conforming in respect to use but not in respect to the frontage, width, height, area, yard, parking, loading, or distance requirements of this chapter.

**NONCONFORMING USE** — A use or activity which was lawful prior to the adoption, revision, or amendment of this chapter but which fails thereafter to conform to the present requirements of the zoning district.

**NONFARM RESIDENCE** — A single-family or multi-family residence other than a farm residence.

**NONFARM RESIDENTIAL ACREAGE** — The total number of acres of all parcels on which nonfarm residences are located.

**OPEN SPACE** — A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining such open space.

**PARK** — A tract of land designated and used by the public for active and passive recreation.

**PARKING LOT** — An off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles.

**PARTY DRIVEWAY** (also called "common passageway") — A single way providing vehicular access to two adjoining properties.

**PARTY WALL** — A common, shared wall between two separate structures, buildings, or dwelling units.

**PATIO** (also called "terrace") — A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

**PERMANENT** — A period exceeding sixty (60) days in a year.

**PERMITTED USE** — A use by right that is specifically authorized in a particular zoning district.

**PERSON** — An individual, group of individuals, partnership, firm, corporation, association, state, county, town, city, village, special district, or other government corporation, or any other legal entity.

**PLANNED UNIT DEVELOPMENT** — An area of land, controlled by a single owner, corporation, or any other legal entity, to be developed as a single entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this chapter.

**POWER-GENERATING STRUCTURE** — A wind turbine or methane-generating system derived from manure produced on the property intended for the generation of power.

**PRACTICAL DIFFICULTY** — A unique circumstance or condition relative to the owner's property that prevents the owner from enjoying the use of the property as others in the same zoning district are generally able to do.

**PREEXISTING ANTENNA OR TOWER** — Any antenna or tower constructed prior to November 8, 1982, or the effective dates of any amendments to this chapter affecting the requirements for an antenna or tower.

**PRINCIPALLY ENGAGED** — A person or a family, at least one adult member of which is engaged in an approved occupation from which the person derives more than 50% of the person's gross income per calendar year; a parent or child of an owner who conducts the majority of the farm operations on the parcel; or a parent or child of an owner who previously conducted the majority of the farm operations on the parcel.

**PRINCIPAL USE** — The main or predominant use of property or structures as permitted on a lot by the regulations of the district in which it is located, as distinguished from a subordinate or accessory use.

**PROFESSIONAL OFFICE** — The office of a member of a recognized profession maintained for the conduct of that profession. (See "home professional office.")

**PROHIBITED USE** — A use that is not permitted in a zoning district.

**RECREATIONAL VEHICLE** — A vehicle that includes a cabin for sleeping, eating and/or living accommodations and is commonly used for recreational travel and touring. Vehicles included in this category come in several forms, but are not limited to those listed here: travel trailers, tent trailers and camping trailers, all of which must be towed by another vehicle; and truck campers, motor homes and camper vehicles or vehicles modified to function as a motor home or camper vehicle, all of which have a motor within the body of the vehicle and are self-propelled.

**RECREATION FACILITY** — A place, private, public, or commercial, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**RESTRICTIVE COVENANT** — See "deed restriction."

**RETAIL SERVICES** — Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education, social services, museums, and galleries.

**RETAIL TRADE** — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RIDING STABLE** — A establishment where horses are boarded and cared for and where instruction in riding and showing is offered and the general public may, for a fee, hire horses for riding.

**ROADSIDE STAND** — A small seasonal structure, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced on the premises or adjoining premises.

**ROOMING HOUSE** — See "boardinghouse."

**SEPARATION DISTANCE** — The required dimensional distance between the outer boundary of a cluster group and another specified feature of development.

**SERVICE STATION** — Any building, structure, premises, or other place used or intended to be used for the retail dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a municipal garage used for the repair or storage of motor vehicles.

**SETBACK** — The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.

**SHORELANDS** — Those lands lying within the following distances: 1,000 feet from the ordinary high-water mark of navigable lakes, ponds, and flowages and 300 feet from the ordinary high-water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.

**SIGHT TRIANGLE** — A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersections.

**SIGN** — Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**STORY** — That portion of a principal building included between the surface of any floor and the surface of the next floor above, or, if there is no floor above, the space between the floor and the ceiling next above, and including those basements used for the principal use.

**STORY, HALF** — A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

**STREET** — Any vehicular way which is an existing state, county, or local roadway, or is shown upon a plat or survey map approved pursuant to law, or is approved by other official action, and includes the land between the street right-of-way lines, whether improved or unimproved.

**STRUCTURAL ALTERATION** — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**STRUCTURE** — Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.

**TRUCK FARMING** — Farming that produces vegetables for sale commercially.

**TURNING LANE** — An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

**UNNECESSARY HARDSHIP** — For an area variance, unnecessary hardship results when compliance with this chapter would unreasonably prevent the owner from using the property for a permitted purpose or be unnecessarily burdensome.

**USE** — The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**UTILITIES** — Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

**WHOLESALE TRADE** — Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD** — An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation or as may be specifically provided in this chapter. The street and rear yards extend the full width of the lot.

**YARD, FRONT** — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called "street yard."

Corner lots shall have two such yards.

**YARD, REAR** — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the street yards on a corner lot.

**YARD, SIDE** — A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.

**YARD, STREET** — See "yard, front."



### ARTICLE III – General Provisions

#### § 330-10. Jurisdiction.

The provisions of this chapter shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Holland, Sheboygan County, Wisconsin.

#### § 330-11. Compliance required.

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit or a site plan and plan of operation permit, and without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.

#### § 330-12. Use regulations.

Only the following uses and their essential services may be allowed in any district:

- A. Principal uses. Only those principal uses specified for a district, their essential services, and the uses set forth in this section shall be permitted in that district.
- B. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry, except for home occupations and home professional offices as defined herein. Uses accessory to residential district developments shall not exceed two (2) structures per subject lot and each structure shall not exceed 900 square feet in area unless the Town Plan Commission grants approval for the construction of more than two (2) structures per subject lot or a structure greater than 900 square feet through a conditional use process. Accessory uses and structures include storage and parking facilities; gardens and gardening; servant's, owner's, itinerant farm laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- C. Conditional uses and their accessory uses are considered as special uses in specified districts requiring review, public hearing, and approval by the Town Plan Commission in accordance with procedures and standards established in Article VI of this chapter. When a use is classified as a conditional use at the date of adoption of this chapter, it shall be considered a legal conditional use without further action of the Town Plan Commission. Changes to or substitution of conditional uses shall be subject to review and approval by the Town Plan Commission in accordance with Article VI of this chapter.
- D. Uses not specified in this chapter and that are found by the Town Plan Commission to be similar in character to conditional uses permitted in the district may be permitted by the Town Plan Commission after review, public hearing, and approval in accordance with Article VI of this chapter.
- E. Temporary uses, such as field offices and shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Building Inspector after the tenure thereof has been approved by the Town Board.
- F. Recreational vehicles.
  - (1) Intent. Any owner, occupant or agent thereof, whose purpose is to occupy a recreational vehicle within the jurisdiction of the Town of Holland for more than fourteen (14) consecutive days within a thirty (30) day time period, § 330-12(F)(2)

through § 330-12(F)(5) of this chapter shall apply.

- (2) Permanent occupancy prohibited. No owner, occupant, or agent thereof, shall use or occupy a recreational vehicle as a permanent place of residence or business.
- (3) Temporary occupancy permit. Except as permitted within an approved private campground or recreational camp, any owner, occupant or agent thereof, desiring to temporarily use or occupy a recreational vehicle for residence or business purposes shall, prior to commencing such temporary use or occupancy, obtain a temporary occupancy permit from the Town Building Inspector. It shall be unlawful to occupy a recreational vehicle without a temporary occupancy permit. The Building Inspector shall provide the owner, occupant or agent thereof with an application form that shall contain such information as the Building Inspector determines is necessary, including type of recreational vehicle, location, management of waste disposal facilities and water facilities, and the intended length of use or occupancy. The Building Inspector may issue a temporary occupancy permit for a period not to exceed sixty (60) days. The Building Inspector is granted the authority to approve one (1) temporary occupancy permit renewal for an additional sixty (60) days as may be deemed appropriate. A second temporary occupancy permit renewal shall be reviewed and approved by the Town Plan Commission as may be deemed appropriate. The owner, occupant, or agent thereof shall pay a permit fee to the Building Inspector as identified by the Town of Holland Fee Schedule.
- (4) Parking on public property prohibited. An owner, occupant or agent thereof, shall only park a recreational vehicle on any town road, street, alley, or other public property within the Town of Holland from sunrise to sunset.
- (5) Parking on private property. The parking of one (1) recreational vehicle, in the rear yard, on private property with an existing principle residence, is permitted if the location of the recreational vehicle does not create a nuisance to adjacent property owners.

#### **§ 330-13. Land division regulations.**

All existing, undeveloped parcels of land of record in the County Register of Deeds office, and any new land divisions as defined in Chapter 220: Land Division Ordinance, Town of Holland, Wisconsin and the Subdivision Ordinance, Sheboygan County, Wisconsin, shall conform in full with the provisions of those ordinances. No building permit shall be issued for any lot until such compliance is assured.

#### **§ 330-14. Sanitary regulations.**

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without full compliance with the Sanitary Ordinance, Sheboygan County, Wisconsin. No building permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.

#### **§ 330-15. Shoreland-floodplain regulations.**

The Town recognizes that Sheboygan County has adopted a Shoreland-Floodplain Ordinance as required by Wisconsin Statutes. Accordingly, the Town Building Inspector shall refer to Sheboygan County all applicants seeking building permits for structures or uses proposed to be located or conducted within the shoreland or floodplain area subject to county regulations. If the Building Inspector determines that any Town building permit is required for such project, the permit shall not be issued until the county permit has been issued. In a situation where the Town

and county regulations conflict, the more restrictive regulations shall apply.

**§ 330-16. General site restrictions.**

No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Town Plan Commission by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography; impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and/or general welfare of Town of Holland. The Town Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw its determination of unsuitability. In addition:

- A. All lots shall abut or have access to a public street or officially approved private way. Where access is to be provided by a private way, said way shall have a minimum right-of-way or access easement of 50 feet in width and shall be continuous to a public street or approved private street.
- B. All principal structures shall be located on a lot; only one principal structure shall be located, erected, or moved onto a lot in a residential district, except as permitted under planned unit development districts and provisions. The Town Plan Commission may permit more than one principal structure per lot in other districts where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Town Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements or require a minimum separation distance between principal structures.
- C. No building permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards in the less restrictive district may be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. All plantings for the purpose of landscaping and screening shall be set back from the defined property line of the subject property, a distance equal to or greater than the radius of the canopy of the subject planting at full maturity. The Town Plan Commission and Town Board may place greater restrictions on the landscaping and screening setback requirements as may be deemed appropriate.

**§ 330-17. Construction standards.**

All residential dwellings constructed on site or manufactured homes shall meet the following minimum construction standards in addition to complying with all applicable codes:

- A. Building area. The total minimum floor area of a dwelling shall be 1,300 square feet.
- B. Building width. The minimum width of a dwelling shall be not less than 20 feet.
- C. Foundation. A residential dwelling shall be permanently attached to a permanent foundation meeting the requirements of the State Uniform Dwelling Code and approved by

the Town Building Inspector. The foundation shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade. Manufactured homes shall have the running gear and towing hitch removed and have an anchoring system that is totally concealed under the structure.

**§ 330-18. Reduction or joint use.**

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used for any other structure or use.

**§ 330-19. Development agreement and reimbursement of expenses.**

To promote and enhance public safety and general welfare, and to ensure that essential improvements are made, the Town may deem it necessary to require a development agreement and/or reimbursement of Town expenses incurred as a result of a proposed development.

- A. Development agreement. Before final approval of an application for development, the Town may require the developer to enter into a written development agreement with the Town to install any required improvements and comply with development requirements and to file a bond, letter of credit, or cash deposit in an amount determined by the Town as a guarantee of the performance of the developer's obligations under the development agreement.
- B. Reimbursement of Town expenses. The Town Board may utilize the services of such professionals as it deems appropriate to advise and assist the Town Board and Town Plan Commission regarding a development. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town.

## ARTICLE IV – Zoning Districts

### § 330-20. Districts established.

For the purpose of this chapter, the Town of Holland, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts, namely:

A-1	Prime Agricultural District
A-2	Agricultural District
A-3	Agricultural Transition District (Not to be used after May 1, 2006)
A-4	Agricultural-Related Manufacturing, Warehousing and Marketing District
A-5	Agricultural District
R-1	Single-Family Residence District
R-2	Multiple-Family Residence District (Not to be used after May 1, 2006)
R-4	Rural Cluster Development District (Not to be used after March 1, 2010)
R-5	Residential Estate District
RCDO	Rural Cluster Development Overlay District
C-1	Lowland Resource Conservation District
P-1	Recreational Park District
P-2	Public District
B-1	Business District
M-1	Manufacturing and Industrial District
M-3	Mineral Extraction District

### § 330-21. Zoning map.

The boundaries of these districts are hereby established as shown on a map titled "Zoning Map for the Town of Holland, Sheboygan County, Wisconsin" which accompanies and is herewith made a part of this chapter.<sup>2</sup> Boundaries shall be construed to follow corporate limits; United States Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas as shown by changes in vegetation, slope, and other natural resource base features, unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon said Zoning Map shall be as much a part of this chapter as if the matter and things set forth by said map were fully described herein.

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2. Editor's Note: The Zoning Map is maintained at the Sheboygan County Planning Department office.

**§ 330-22. A-1 Prime agricultural district.**

- A. Purpose. The purposes of the A-1 District are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, non-farm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.
- B. Lands included. The A-1 District is generally intended to apply to lands in productive farm operations, including land historically exhibiting high crop yield or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; other lands which are integral parts of such farm operations; and lands used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.
- (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses. The following permitted uses are governed by § 91.44, Wis. Stats.
- (a) Except as provided in § 84.01 (34), Wis. Stats., a farmland preservation zoning ordinance does not comply with § 91.42, Wis. Stats., if a farmland preservation zoning ordinance allows as a permitted use in a farmland preservation zoning district a land use other than the following land uses:
- [1] Agricultural uses (as defined in § 330-9).
- [2] Accessory uses (as defined in § 330-9).
- [a] The Town Board, upon recommendation of the Town Plan Commission shall require the occupant of a farm residence to be principally engaged, as defined in § 330-9, in an approved agricultural use.
- [3] Nonfarm residences, as defined in § 330-9, constructed within a rural residential cluster, provided that the cluster has been previously granted a conditional use permit under § 91.46 (1)(e), Wis. Stats.
- [4] Undeveloped natural resource and open space areas.
- [5] A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- [6] Other uses identified by DATCP by rule.
- [7] Home occupation (as defined in § 330-9). See **Article VII**.
- (b) DATCP may promulgate rules imposing additional limits on the permitted uses

that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with § 91.42, Wis. Stats.

- (2) Conditional uses. See **Article VI** of this chapter for application, review and approval procedures for conditional uses. The following conditional uses are governed by § 91.46, Wis. Stats. The Town Clerk shall transmit notification to the Department of Agriculture, Trade and Consumer Protection of the approval of any conditional uses in this zoning district.

(a) Except as provided in § 84.01 (34), Wis. Stats., a farmland preservation zoning ordinance does not comply with § 91.42, Wis. Stats., if a farmland preservation zoning ordinance allows as a conditional use in a farmland preservation zoning district a land use other than the following land uses:

[1] Agriculture-related uses (as defined in § 330-9).

[2] Home occupation (as defined in § 330-9). See **Article VII**.

[3] Landscape and supply operations. See **Article VIII**.

[4] Nonfarm residences, as defined in § 330-9, that qualify under § 91.46 (2), Wis. Stats., and that meet the standards in this farmland preservation zoning ordinance. In addition to complying with § 91.46 (2), Wis. Stats., the Town of Holland shall require the following:

[a] The conditional use permit shall contain a condition requiring the applicant to acknowledge in writing, in a form acceptable to the Town Attorney, that the residence is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.

[b] Depending on the size of the base farm tract, and pursuant to § 91.46 (2) and (3), Wis. Stats., if an applicant decides to incrementally develop the allowed dwelling units in residence of any kind over time, the applicant shall be required to provide the Town Plan Commission and Town Board with a site plan, as identified in § 330-40 (D), illustrating the proposed nonfarm residential cluster build-out. Furthermore, a condition of the Conditional Use permit shall identify the future intent of the subject property or properties.

Provisions defined in the Town's Chapter 220: Land Division Ordinance may also apply.

[c] Depending on the size of the base farm tract, and pursuant to § 91.46 (2) and (3), Wis. Stats., if an applicant decides to develop ONLY one of the allowed dwelling units in residence of any kind, the Town shall require the applicant to file a deed restriction, in a form acceptable to the Town Attorney, restricting the remnant parcel from future land divisions and development.

[5] Nonfarm residential clusters that qualify under § 91.46 (3), Wis. Stats.

[6] Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46 (4), Wis. Stats.

[7] Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46 (1)(f), Wis. Stats., that qualify under § 91.46 (5), Wis. Stats.

[8] Nonmetallic mineral extraction that qualifies under § 91.46 (6), Wis. Stats.

[9] Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subch. II of Ch. 295.

[10] Other uses identified by DATCP by rule.

(b) DATCP may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with § 91.42, Wis. Stats.

C. Area, height and yard requirements.

(1) Lot (Farm Residence and Agricultural Uses).

- (a) Density: one dwelling unit per twenty gross acres.
- (b) Area: minimum twenty (20) acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the twenty acre minimum density.
- (c) Width: minimum 660 feet of road frontage on public road.
- (d) Coverage: no more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Lot (Nonfarm Residence)

(a) Density. The following is governed by § 91.46 (2), Wis. Stats. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of § 91.46 (1)(d), Wis. Stats., if the Town determines that all of the following apply:

[1] The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.

*Density Calculation Example: In order to develop 4 nonfarm residences under the 1 to 20 ratio, and in the case that each nonfarm residence has a lot that is one (1) acre in size, a total of 84 acres is required.*

[2] Subject to the ratio in the previous paragraph, each base farm tract shall be limited to not more than 4 new nonfarm residences, nor, more than 5 dwelling units in residences of any kind, on the base farm tract after the farm residence is constructed or converted to a nonfarm residence, for a maximum total of 5 dwelling units in residence of any kind.



[3] The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

[a] Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

[b] Significantly impair or limit the current or future agricultural use of other protected farmland.

(b) Area: minimum one-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the density ratio. Divisions of land for the purpose of farm consolidation for a nonfarm residential parcel are required to meet the density ratio.

(c) Width: minimum 150 feet of road frontage on public road.

(d) Coverage: no more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(3) Building height.

(a) Farm residence or nonfarm residence: maximum 35 feet.

(b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.

(c) Silos or vertical tanks: maximum 100 feet or equal to the distance from the nearest lot line, whichever is less.

(4) Yards.

(a) Rear: minimum 50 feet.

(b) Side: minimum 20 feet if structure is not to be used for the housing of animals; minimum 50 feet if structure is to be used for the housing of animals.

(c) Street: see Article XIV of this chapter.

D. Animal Units.

(1) Lots equal to or greater than 20 acres.

(a) Animal units, as defined in § 300-9, that are equal to or less than 1,000 animal units shall be a permitted use and approved under Article V of this chapter.

(b) Animal units, as defined in § 300-9, that are greater than 1,000 animal units shall be a conditional use and approved under Article VI of this chapter.

(2) Lots less than 20 acres.

(a) Animal units, as defined in § 300-9, that are equal to 1 animal unit per 1 acre shall be a permitted use and approved under Article V of this chapter.

- (b) Animal units, as defined in § 300-9, that are greater than 1 animal unit per 1 acre shall be a conditional use and approved under Article VI.
- E. Existing substandard lots. Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before November 8, 1982; provided, however, that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Article XVI of this chapter.
- F. Development agreement and reimbursement of expenses. See § 330-19 of this chapter for possible requirements.

**§ 330-23. A-2 Agricultural district.**

- A. Purpose. The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 District.
- B. Lands included. Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural-related farming activities.
  - (1) Permitted uses. See Article V of this chapter for application, review and approval procedures for permitted uses.
    - (a) All uses allowed as permitted uses in the A-1 District.
  - (2) Conditional uses. See Article VI of this chapter for application, review, and approval procedures for conditional uses.
    - (a) Airports, airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
    - (b) Animal hospitals.
    - (c) Antennas and communication towers.
    - (d) Commercial egg production.
    - (e) Farm family business, if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses, and no more than two persons who are not members of the resident farm family are employed in the farm family business.
    - (f) Home occupation (as defined in § 330-9). See Article VII.
    - (g) Landscape and supply operations. See Article VIII.
    - (h) Nonfarm residence provided that the conditional use permit contains a condition requiring the applicant to acknowledge in writing, in a form acceptable to the Town Attorney, that the dwelling is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
    - (i) Park, playground, and recreation areas less than 2 acres not including the location or erection of building or structures.

- (j) Power-generating structure (single unit) designed for consumption of power principally on the property and its structures.
  - (k) Veterinarian services.
- C. Area, height and yard requirements.
  - (1) Lot.
    - (a) Density: one dwelling unit per five-gross acres.
    - (b) Lot area: minimum one and one-half acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the five acre minimum density. The maximum lot area for the purposes of farm consolidation shall include sufficient area for the principal structure, accessory buildings, and all required yards. The remnant parcel shall be deed restricted from future land divisions and development.
    - (c) Width: minimum 225 feet of road frontage on public road.
    - (d) Coverage: no more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
  - (2) Building height.
    - (a) Farm residence or nonfarm residence: maximum 35 feet.
    - (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.
  - (3) Yards.
    - (a) Farm residence or nonfarm residence.
      - [1] Rear: minimum 50 feet.
      - [2] Side: minimum 20 feet.
      - [3] Street: see Article XV of this chapter.
    - (b) Other structures.
      - [1] Rear: minimum 50 feet.
      - [2] Side: minimum 20 feet if structure is not to be used for the housing of animals; minimum 50 feet if structure is to be used for the housing of animals.
      - [3] Street: see Article XV of this chapter.
- D. Animal Units.
  - (1) Animal units, as defined in § 300-9, that are equal to 1 animal unit per 1 acre shall be a permitted use and approved under Article V of this chapter.
  - (2) Animal units, as defined in § 300-9, that are greater than 1 animal unit per 1 acre shall be a conditional use and approved under Article VI of this chapter.

- E. Existing substandard lots. Same as A-1 district. See § 330-22(E) of this chapter.
- F. Development agreement and reimbursement of expenses. See § 330-19 of this chapter for possible requirements.

**§ 330-24. A-3 Agricultural transition district.**

- A. Purpose. The primary purposes of the A-3 District are to provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure that urban development is compatible with local land use policies; and provide periodic review to determine whether all or part of the land should be transferred to another zoning district. No property within the Town may be rezoned to A-3 Agricultural Transition District after May 1, 2006. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.
- B. Lands included. The A-3 District is generally intended to apply to land located adjacent to the incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to nonagricultural use is expected to occur in the foreseeable future.
  - (1) Permitted uses. See Article V of this chapter for application, review, and approval procedures for permitted uses.
    - (a) All uses allowed as permitted uses in the A-1 District.
  - (2) Conditional uses. See Article VI of this chapter for application, review, and approval procedures for conditional uses.
    - (a) All uses allowed as conditional uses in the A-1 District.
- C. Area, height, and yard requirements.
  - (1) Lot. See § 330-22 (C)(1) and (C)(2).
  - (2) Building height.
    - (a) Farm residence or nonfarm residence: maximum 35 feet.
    - (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less
  - (3) Yards. See § 330-22 (C)(4).

**D. Animal Units. See § 330-22 (D).**

- E. Existing substandard lots. See § 330-22(E) of this chapter.
- F. Development agreement and reimbursement of expenses. See § 330-19 of this chapter for possible requirements.

**§ 330-25. A-4 Agricultural-related manufacturing, warehousing and marketing district.**

- A. Purpose. The primary purpose of the A-4 District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing

activities that are dependent upon or are closely allied with the agricultural industry.

B. Lands included.

- (1) Permitted uses: See **Article V** of this chapter for application, review and approval procedures for permitted uses.
  - (a) Animal hospitals.
  - (b) Fertilizer production, sales, storage, mixing and blending.
  - (c) Grain elevators and bulk storage of feed grain.
  - (d) Park, playground, and recreation areas less than 2 acres not including the location or erection of building or structures.
  - (e) Sales of farm implements and related equipment.
  - (f) Veterinarian services.
- (2) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
  - (a) Airports, airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
  - (b) Antennas and communication towers.
  - (c) Blending and preparing of flour.
  - (d) Canning of fruits, vegetables, preserves, jams and jellies.
  - (e) Canning of specialty foods.
  - (f) Coffee roasting and production of coffee products.
  - (g) Contract sorting, grading and packaging services for fruits and vegetables.
  - (h) Drying and dehydrating fruit and vegetables.
  - (i) Fruit and vegetable pickling, vegetable sauces and seasoning and salad dressing preparation.
  - (j) Horticultural services.
  - (k) Landscape and supply operations. See **Article VIII**.
  - (l) Livestock sales facilities.
  - (m) Malt production.
  - (n) Meat processing and packing.
  - (o) Milk processing.
  - (p) Milling.
  - (q) Poultry and small game dressing and packing, provided that all operations are conducted within an enclosed building.
  - (r) Poultry hatchery services.

- (s) Preparation of cereal.
- (t) Preparation of feed for animals and fowl.
- (u) Production of chocolate and cocoa products.
- (v) Production of frozen fruit, fruit juices, vegetables and other specialties.
- (w) Production of shortening, table oils and margarine and other edible fats and oils.
- (x) Production of wine, brandy and brandy spirits.
- (y) Sugar processing and production.
- (z) Transportation-related activities primarily serving the basic agricultural industry.

C. Area, height, and yard requirements.

- (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by **Article XI** of this chapter, sewer and water systems, and all required yards.
- (2) Building height: maximum 35 feet.
- (3) Silos and vertical tanks height: maximum 100 feet or equal to the distance from the nearest lot line, whichever is less
- (4) Yards.
  - (a) Rear: minimum 50 feet.
  - (b) Side: minimum 50 feet.
  - (c) Street: see **Article XV** of this chapter.

D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-26. A-5 Agricultural district.**

- A. Purpose. The purpose of the A-5 District is to provide for, maintain, preserve, and enhance agricultural lands having marginal or transitional farmland value in order to maintain the rural character of the countryside, while at the same time allowing for a large lot residential development on a minimum parcel size of three acres. The purposes of the district are to:
  - (1) Protect and encourage the continuation of the existing farm operations.
  - (2) Permit nonagricultural uses that require large areas and that will compliment existing agricultural pursuits.
  - (3) Minimize conflicts between farm and non-farm uses.
  - (4) Provide a transitional area between suburban development and prime agricultural lands.
- B. Lands included. Lands included are those lands generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural-

related farming activities.

- (1) Permitted uses. See [Article V](#) for application, review and approval procedures for permitted uses.
  - (a) All uses allowed as permitted uses in the A-1 District.
- (2) Conditional uses. See [Article VI](#) for application, review and approval procedures for conditional uses.
  - (a) Airports, airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
  - (b) Animal hospitals.
  - (c) Antennas and communication towers.
  - (d) Home occupation (as defined in [§ 330-9](#)). See [Article VII](#).
  - (e) Landscape and supply operations. See [Article VIII](#).
  - (f) Nonfarm residence provided that the conditional use permit contains a condition requiring the applicant to acknowledge in writing, in a form acceptable to the Town Attorney, that the dwelling is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.

C. Area, height and yard requirements.

- (1) Lot.
  - (a) Density: one dwelling unit per three-gross acres.
  - (b) Lot area: minimum one and one-half acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the three acre minimum density. The maximum lot area for the purposes of farm consolidation shall include sufficient area for the principal structure, accessory buildings, and all required yards. The remnant parcel shall be deed restricted from future land divisions and development.
  - (c) Width: minimum 225 feet of road frontage on public road.
  - (d) Coverage: no more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
- (2) Building height.
  - (a) Farm residence or nonfarm residence: maximum 35 feet.
  - (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.
- (3) Yards.
  - (a) Farm residence or nonfarm residence.

- [1] Rear: minimum 50 feet.
- [2] Side: minimum 20 feet.
- [3] Street: see **Article XV** of this chapter.

(b) Other structures.

- [1] Rear: minimum 50 feet.
- [2] Side: minimum 20 feet.
- [3] Street: see **Article XV** of this chapter.

D. Animal Units.

- (1) Animal units, as defined in **§ 300-9**, that are equal to 1 animal unit per 1 acre shall be a permitted use and approved under **Article V** of this chapter.
- (2) Animal units, as defined in **§ 300-9**, that are greater than 1 animal unit per 1 acre shall be a conditional use and approved under **Article VI** of this chapter.

E. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-27. R-1 Single-family residence district.**

A. Purpose. This district is intended to provide for single-family dwellings. Effective July 1, 2002, only property within 1,000 feet of the Lake Michigan ordinary high-water mark may be rezoned to R-1 Single-Family Residence District. Effective September 12, 2005, only property with a minimum of 66 feet of lake frontage for sewerred lots or 100 feet of lake frontage for unsewerred lots at the high-water mark on Lake Michigan may be rezoned to R-1 Single-Family Residence District. Property that does not have frontage on Lake Michigan that is zoned R-1 Single-Family Residence District prior to September 12, 2005, or property more than 1,000 feet from the Lake Michigan ordinary high-water mark that is zoned R-1 Single-Family District prior to July 1, 2002, may continue that zoning classification and shall not be considered a nonconforming use, but no property without Lake Michigan frontage may be rezoned to R-1 Single-Family Residence District after September 11, 2005, and no property more than 1,000 feet from the Lake Michigan high-water mark may be rezoned to R-1 Single-Family District after June 30, 2002.

B. Lands included.

- (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
  - (a) Home occupation (as defined in **§ 330-9**). See **Article VII**.
  - (b) Single-family detached dwelling.
  - (c) Park, playground, and recreation areas less than 2 acres not including the location or erection of building or structures.
- (2) Conditional uses. See **Article VI** of this chapter for application, review and approval procedures for conditional uses.
  - (a) Accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more



than 25% of the principal dwelling, and shall comply with the off-street parking requirements of [Article XI](#) of this chapter.

(b) Home occupation (as defined in [§ 330-9](#)). See [Article VII](#).

C. Area, height and yard requirements.

(1) Lot.

(a) Area [also see Subsection C(4) below]: minimum of 10,000 square feet for lots served by municipal sanitary sewers or other county- and state-approved off-site cluster or common sewage disposal system and 20,000 square feet for lots served by on-site sewage disposal systems for single-family dwellings, except where county or state regulations require more. [Note: Reductions of minimum lot area, pursuant to the Wisconsin Administrative Code and [§ 71.23\(6\)](#), County Subdivision Ordinance, shall be expressly approved by the Town Board of Appeals.]

(b) Width: minimum of 66 feet for sewered lots and 100 feet for unsewered lots.

(c) Coverage: no more than 50% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

(a) Dwelling: maximum 35 feet.

(b) Other structures: maximum 35 feet.

(3) Yards.

(a) Dwelling.

[1] Rear: minimum 25 feet.

[2] Side: minimum 15 feet.

[3] Street: see [Article XV](#) of this chapter.

(b) Other structures.

[1] Rear: minimum 10 feet or 1/2 the height of the structure, whichever is greater.

[2] Side: minimum 10 feet or 1/2 the height of the structure, whichever is greater.

[3] Street: see [Article XV](#) of this chapter.

(4) Density. In the R-1 District, for projects involving condominium or other such common ownership under which no new lots are created, the overall density that would have been required for dwelling units using individual lots shall be maintained. Therefore, the total number of dwelling units allowed shall be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.

D. Development agreement and reimbursement of expenses. See [§ 330-19](#) of this chapter for

possible requirements.

**§ 330-28. R-2 Multiple-family residence district.**

- A. Purpose. The purpose of the R-2 District is to identify areas suitable for two-family and multiple-family residential development, in accordance with the Town of Holland Comprehensive Plan. No property within the Town may be rezoned to R-2 Multiple-Family Residence District after May 1, 2006, except a property that has been determined by the Town Board, based on evidence provided by the property owner, to be improved by or occupied as a two-family dwelling or multiple-family dwelling on May 1, 2006.
- B. Lands included.
  - (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - (a) All uses allowed as permitted uses in the R-1 District.
    - (b) Two-family dwellings.
  - (2) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
    - (a) Accessory apartments, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, and shall comply with the off-street parking requirements of **Article XI** of this chapter.
    - (b) Elder care facilities, clinics and day-care centers, provided that all principal structures and uses are not less than 50 feet from any lot line.
    - (c) Fraternities, sororities, lodges, and meeting structures of a noncommercial nature, provided that all principal structures and uses are not less than 25 feet from any lot line.
    - (d) Home occupation (as defined in **§ 330-9**). See **Article VII**.
    - (e) Multiple-family dwellings.
    - (f) Senior citizen housing.
- C. Area, height and yard requirements.
  - (1) Lot.
    - (a) Area [also see Subsection C(4) below]: minimum of 20,000 square feet for lots served by municipal sanitary sewers or other county- and state-approved off-site cluster or common sewage disposal system and 60,000 square feet for lots served by individual on-site sewage disposal systems for two-family dwellings, plus 5,000 square feet of unoccupied land for each additional dwelling unit, except where county or state regulations require more. [Note: Reductions of minimum lot area, pursuant to the Wisconsin Administrative Code and § 71.23(6), County Subdivision Ordinance, shall be expressly approved by the Town Board of Appeals.]
    - (b) Width: minimum of 100 feet for sewerage lots and 150 feet for unsewered lots.

- (c) Coverage: no more than 50% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
  - (2) Building height.
    - (a) Dwelling: maximum 35 feet.
    - (b) Other structures: maximum 35 feet.
  - (3) Yards.
    - (a) Dwelling.
      - [1] Rear: minimum 25 feet.
      - [2] Side: minimum 15 feet.
      - [3] Street: see **Article XV** of this chapter.
    - (b) Other structures.
      - [1] Rear: minimum 10 feet or 1/2 the height of the structure, whichever is greater.
      - [2] Side: minimum 10 feet or 1/2 the height of the structure, whichever is greater.
      - [3] Street: see **Article XV** of this chapter.
  - (4) Density. In the R-2 District, for projects involving condominium or other such common ownership under which no new lots are created, the overall density that would have been required for dwelling units using individual lots shall be maintained. Therefore, the total number of dwelling units allowed shall be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-29. R-4 Rural cluster development district.**

- A. Purpose. The purpose of the R-4 district is to preserve rural landscape character, sensitive natural areas, farmland, and other large areas of open land while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
  - (1) Maintain and protect the Town of Holland's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, and critical species habitat by setting them aside from development.
  - (2) Preserve scenic views and minimize views of new development from existing streets.
  - (3) Provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in

order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.

- (4) Increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, and the amount of paving required for residential development, where possible.
- (5) Create groups of dwellings with direct visual and physical access to open space areas.
- (6) Permit active and passive recreational use of open space areas by residents of developments within this district or by the public.
- (7) Reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- (8) Allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
- (9) Permit various means for owning open space areas and for protecting them from development in perpetuity.
- (10) Create an attitude of stewardship, or caring, for the land within open space areas by requiring a land management, or stewardship, plan for the open space areas.
- (11) Implement the objectives of the adopted Town of Holland Comprehensive Plan or elements thereof.

B. Lands included.

- (1) Residential uses in cluster developments.
  - (a) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - [1] Home occupation (as defined in **§ 330-9**). See **Article VII**.
    - [2] Single-family detached dwelling.
  - (b) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
    - [1] Accessory apartment in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, and shall comply with the off-street parking requirements of **Article XI** of this chapter.
    - [2] Home occupation (as defined in **§ 330-9**). See **Article VII**.
    - [3] Two-family dwellings.
- (2) Open space uses in cluster developments.
  - (a) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - [1] Animal units, as defined in **§ 300-9**, that are equal to 1 animal unit per 1 acre shall be a permitted use and approved under **Article V** of this chapter.

- [2] Easements for access, drainage, sewer and water lines, or other public purposes.
  - [3] Conservation of natural features in their existing state.
  - [4] Parking areas where necessary to serve active recreation facilities.
  - [5] Parks, playgrounds, and recreational areas less than 2 acres.
  - [6] Stormwater management facilities for the proposed development, including detention and retention basins.
  - [7] Wildlife sanctuary, forest preserve, nature center, trails, picnic areas, and similar uses.
  - [8] Water supply and sanitary facilities for individual lots, groups of lots, or the entire development.
- (b) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
- [1] Animal units, as defined in § 300-9, that are greater than 1 animal unit per 1 acre shall be a conditional use and approved under **Article VI** of this chapter.
  - [2] Agricultural activities are allowed not less than 50 feet from any residential lot line. Agricultural activities including:
    - The cultivation, harvesting, and sale of crops.
    - The raising and sale of livestock or fowl with associated pasture.
    - The boarding of horses with associated pasture.
    - Orchards, nurseries, greenhouses, and related horticultural uses.
    - Agricultural structures, such as barns, silos, storage sheds, cribs, coops, and stables.
  - [3] Community center.
  - [4] Golf courses and country clubs.
  - [5] Utilities, except antennas and communications towers, provided that such uses are not less than 100 feet from any residential lot line.
- (c) Prohibited uses. The following uses and activities are prohibited in open space areas in cluster developments.
- [1] The use of non-recreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and associated farm vehicles are permitted, as needed.
  - [2] The use of recreational vehicles except as used for agricultural activities within open spaces and maintenance and operation of open spaces.
  - [3] Cutting of healthy trees; regrading; topsoil removal; and altering, diverting or modifying watercourses or bodies, except in compliance

with an approved land stewardship maintenance and operation plan, as described in Subsection G(2)(a).

[4] Commercial feed lots.

C. Review procedures. To aid the Town of Holland in determining whether the applicant has accomplished the intent and objectives as described in Subsection A and has met the design standards for cluster groups and open space areas as described in Subsections E and F, the application shall comply with the requirements of Article V or Article VI of this chapter, in addition to submitting plat data required by Chapter 335: Land Division Ordinance, Town of Holland and the Sheboygan County Subdivision Ordinance.

D. Density and dimensional standards.

Maximum Density <sup>a</sup>	Based on Underlying Zoning District
Minimum Lot Area <sup>b</sup>	20,000 square feet
Maximum Lot Area	Two (2) acres
Minimum Lot Width: Road Frontage Cul-de-Sac Frontage	125 feet 50 feet
Minimum Front Yard Setback	50 feet
Minimum Corner Yard Setback	20 feet
Minimum Rear Yard Setback Principal Building Accessory Building <sup>c</sup>	50 feet 10 feet
Minimum Side Yard Setback Principal Building Accessory Building <sup>c</sup>	20 feet 10 feet
Maximum Height Principal Structure Accessory Structure Agricultural Structure	35 feet 18 feet 60 feet
Minimum Open space	60% of gross land acres

<sup>a</sup> Existing dwelling units that will remain on the site shall be included in the maximum density calculation.

<sup>b</sup> For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be large enough to accommodate all structures and livestock within the building envelope.

<sup>c</sup> Accessory structures shall not be permitted within the front yard.

E. Design standards for cluster groups.

(1) The following standards shall apply to all cluster groups:

(a) All dwelling units shall be grouped into cluster groups.

- (b) A subdivision plat may contain one or more cluster groups.
    - (c) Cluster groups shall be defined and separated by open space areas in order to provide direct access to open space areas and privacy to individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a boulevard.
    - (d) All lots in a cluster group shall abut open space areas for a minimum of 50 feet. Open space areas across a street shall qualify for this requirement.
  - (2) In locating cluster groups, disturbance to woodlands, hedgerows, individual mature trees, and prime farmland soils (when the objective is to preserve productive agricultural use) shall be minimized.
- F. Design standards for open space areas. On all tracts developed under the cluster development regulations, at least 60% of the gross land area shall be set aside as protected open space. This open space shall meet the following standards:
- (1) For the purposes of this section, "gross land area" includes all lands within the tract, except existing street, railway, and utility rights-of-way.
  - (2) Open space areas shall comply with the following design standards:
    - (a) The location of open space areas shall be consistent with the objectives of the Town of Holland Comprehensive Plan.
    - (b) All open space areas should be part of a larger continuous and integrated open space system.
    - (c) Open space areas shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character; in compliance with the intent of this chapter, primary and secondary environmental corridors and isolated natural areas as identified by the Regional Plan Commission are of particular significance for protection.
    - (d) Natural features shall generally be maintained in their natural condition but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved land stewardship plan, as described in Subsection H(2)(a). Permitted modifications may include:
      - [1] Woodland management.
      - [2] Reforestation.
      - [3] Meadow management.
      - [4] Wetlands management.
      - [5] Stream bank protection.
      - [6] Buffer area landscaping.
    - (e) Wetlands, floodplains, unique wildlife habitat areas, steep slopes over 12%, lowland environmental corridors, and upland primary environmental corridors should be contained in open spaces.

- (f) Maximize common boundaries with existing or future open space on adjacent tracts, as shown in the Town of Holland Comprehensive Plan.
  - (g) To preserve scenic views, ridge tops and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridge tops or hilltops.
  - (h) The boundaries of open space areas shall be marked by natural features whenever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
  - (i) Trails in open space areas located within 50 feet of homes in cluster groups shall be identified by identification markers, plantings, fences, or other landscape features.
- (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas that are not used for agricultural purposes, in accordance with the following:
- (a) At least one access point per cluster group shall be provided, having a width of at least 50 feet.
  - (b) Access to open space areas used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (4) The following areas shall not be included in the calculation of open space areas:
- (a) Private lot areas.
  - (b) Street and highway rights-of-way, public or private.
  - (c) Railway and utility rights-of-way.
- G. Ownership and maintenance of common facilities and open space areas. To ensure adequate planning for ownership, operation, and maintenance of open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as "common facilities"), the following regulations shall apply:
- (1) Ownership. The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to the following to be approved on an individual basis by the Town Plan Commission:
- (a) Homeowners' association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners' association, subject to the provisions set forth herein. The homeowners' association shall be governed according to the following:
    - [1] The applicant shall provide to the Town of Holland a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
    - [2] The organization shall be established by the owner or applicant and shall



be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.

- [3] Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
  - [4] The organization shall be responsible for maintenance and insurance of common facilities.
  - [5] The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
  - [6] The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
  - [7] The applicant for any tract proposed to contain common facilities shall arrange with the Town of Holland Assessor a method of assessment of the common facilities, which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
  - [8] Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance of common facilities must be given to all members of the organization and to Town of Holland at least 30 days prior to such event.
- (b) Condominium. Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town of Holland Attorney and shall be in conformance with the Ch. 703, Wis. Stats., as amended. All open space areas and other common facilities shall be held as common elements by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- (c) Dedication of conservation easements to the Town of Holland or other public agency. The Town of Holland or other public agency acceptable to the Town of Holland may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- [1] There is no cost of easement acquisition to the Town of Holland, other than costs incidental to the transfer of ownership, such as title insurance.
  - [2] A satisfactory maintenance agreement shall be reached between the owner and the Town of Holland.
  - [3] Lands under a Town of Holland easement may or may not be accessible to the residents of the Town of Holland.
- (d) Transfer of ownership or easements to a private conservation organization. With approval of the Town of Holland, an owner may dedicate or transfer easements of any portion of the common facilities to a private, nonprofit conservation organization, provided that:
- [1] The organization is acceptable to the Town of Holland and is a bona fide conservation organization.

- [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
    - [3] A maintenance plan and program acceptable to the Town of Holland is established in accordance with Subsection H(2).
  - (e) Ownership retained by the original landowner. Ownership of open space areas and facilities may be retained by the original landowner, provided that:
    - [1] The Town of Holland and residents of the development shall hold conservation easements on the land, protecting it from any further development.
    - [2] Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
  - (f) Other methods acceptable to the Town Plan Commission.
- (2) Maintenance and operation of common facilities.
  - (a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to, and approved by, the Town Plan Commission prior to land division approval. Such plan shall define ownership; establish necessary regular and periodic operation and maintenance responsibilities; estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis. The plan shall include a narrative, based on the site analysis required in Subsection C, describing existing conditions, including all natural, cultural, historic, and scenic elements in the landscape, and objectives for each open space area, including:
    - [1] The proposed end state for the area and the measures proposed for achieving the end state.
    - [2] Proposed restoration measures, including:
      - [a] Measures for correcting increasingly destructive conditions, such as erosion; and
      - [b] Measures for restoring historic features.
    - [3] A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including mowing schedules, weed control, planting schedules, and clearing and cleanup.
  - (b) In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Town of Holland may serve written notice upon such organization and upon the residents and owners of the uses relating thereto setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections

shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The Town of Holland may enter the premises and take corrective action.

- (c) The costs of corrective action by the Town of Holland shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Holland, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
- (3) Leasing of open space areas. Open space areas may be leased to another person or other entity for use, operation, and maintenance, provided that:
  - (a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
  - (b) The open space areas to be leased shall be maintained for the purposes set forth in this chapter.
  - (c) The operation of such leased open space areas may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.
  - (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Plan Commission.
  - (e) Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the Town of Holland.
- (4) Conservation. Open space areas shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Plan Commission and duly recorded in the office of the County Register of Deeds.

#### H. Sanitary and water supply facilities.

- (1) Sanitary facilities.
  - (a) Sanitary facilities for cluster development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sanitary systems and the Wisconsin Department of Natural Resources for public sanitary systems. Alternate septic fields are required for lots under 1.5 acres. Acceptable systems may consist of the following:
    - [1] Private, individual on-site systems serving a single lot, consisting of:
      - [a] Conventional systems.
      - [b] Mound systems.

- [c] Holding tanks.
    - [2] Public, community systems consisting of:
      - [a] Dispersed community systems, serving two or more dwellings, but not the entire development.
      - [b] Centralized community systems, serving the entire development.
    - [3] Public, municipal systems, serving all or parts of the entire development.
  - (b) Open space areas may be used for some or all of the elements of any of the systems listed above.
  - (c) All sanitary facilities shall be consistent with the requirements of the Sheboygan County Subdivision and Sanitary Ordinances.
  - (d) All public community sanitary facilities shall be owned, operated, and maintained by a general or special purpose unit of government.
- (2) Water supply facilities.
- (a) Water supply facilities may consist of any of the following systems, provided that they meet the requirements of the Wisconsin Department of Natural Resources and Chs. NR 811 and NR 812, Wis. Adm. Code:
    - [1] Private, individual wells.
    - [2] Private, community wells.
    - [3] Public water supply system.
  - (b) All water supply facilities shall be consistent with the requirements of the Sheboygan County Subdivision Ordinance.
  - (c) All water supply facilities, other than private individual wells or shared private wells (i.e. cluster systems), shall be owned, operated, and maintained by a general or special purpose unit of government.
- I. Development agreement and reimbursement of expenses. See § 330-19 of this chapter for possible requirements.

**§ 330-30. R-5 Residential estate district.**

- A. Purpose. The purpose of the R-5 District is to provide for single-family dwellings in the residential subdivision area, where high density is inappropriate or undesired, and in a manner consistent with the Town of Holland Comprehensive Plan.
- B. Lands included.
  - (1) Permitted uses. See Article V of this chapter for application, review and approval procedures for permitted uses.
    - (a) Home occupation (as defined in § 330-9). See Article VII.
    - (b) Park, playground, and recreation areas less than 2 acres not including the location or erection of building or structures.
    - (c) Single-family detached dwelling.

- (2) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
  - (a) Accessory apartments, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, and shall comply with the off-street parking requirements of **Article XI** of this chapter.
  - (b) Home occupation (as defined in **§ 330-9**). See **Article VII**.
- C. Area, height and yard requirements.
  - (1) Lot.
    - (a) Density: one dwelling unit per three gross acres.
    - (b) Lot area: minimum one and one-half acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the three-acre minimum.
    - (c) Width: minimum of 225 feet of frontage on public road.
    - (d) Coverage: no more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
  - (2) Building height.
    - (a) Dwelling: maximum 35 feet.
    - (b) Other structures: maximum 35 feet.
  - (3) Yards.
    - (a) Dwelling.
      - [1] Rear: minimum 50 feet.
      - [2] Side: minimum 20 feet.
      - [3] Street: see **Article XV** of this chapter.
    - (b) Other structures.
      - [1] Rear: minimum 50 feet.
      - [2] Side: minimum 20 feet.
      - [3] Street: see **Article XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-31. Rural cluster development overlay (RCDO) district.**

- A. Purpose. The purpose of the RCDO district is to preserve rural landscape character, sensitive natural areas, farmland, and other large areas of open land while permitting residential development at low, rural densities, in an open space setting, located and

designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

- (1) Maintain and protect the Town of Holland's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, and critical species habitat by setting them aside from development.
- (2) Preserve scenic views and minimize views of new development from existing streets.
- (3) Provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
- (4) Increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, and the amount of paving required for residential development, where possible.
- (5) Create groups of dwellings with direct visual and physical access to open space areas.
- (6) Permit active and passive recreational use of open space areas by residents of developments within this district or by the public.
- (7) Reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- (8) Allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
- (9) Permit various means for owning open space areas and for protecting them from development in perpetuity.
- (10) Create an attitude of stewardship, or caring, for the land within open space areas by requiring a land management, or stewardship, plan for the open space areas.
- (11) Implement the objectives of the adopted Town of Holland Comprehensive Plan or elements thereof.

**B. Intent and applicability.**

- (1) The RCDO is an overlay zoning district.
- (2) The RCDO is only applicable to the A-2, A-5, or R-5 zoning districts.
  - (a) All minor land divisions within the A-2, A-5, or R-5 zoning districts may comply with the provisions of this district.
  - (b) All major land divisions within the A-2, A-5, or R-5 zoning districts shall comply with the provisions of this district.
- (3) Requirements for calculating the density of a single lot or parcel of record within the RCDO district is governed by the regulations of the underlying zoning district (A-2, A-5, or R-5). All other requirements (i.e. lot area, lot width, lot setbacks, building height, etc.) are governed by the regulations of the RCDO district, henceforth.

C. Lands included.

(1) Residential uses in cluster developments.

- (a) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.

[1] Home occupation (as defined in § 330-9). See **Article VII**.

[2] Single-family detached dwelling.

- (b) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.

[1] Accessory apartment in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, and shall comply with the off-street parking requirements of **Article XI** of this chapter.

[2] Home occupation (as defined in § 330-9). See **Article VII**.

[3] Two-family dwellings.

(2) Open space uses in cluster developments.

- (a) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.

[1] Animal units, , as defined in § 300-9, that are equal to 1 animal unit per 1 acre shall be a permitted use and approved under **Article V** of this chapter.

[2] Easements for access, drainage, sewer and water lines, or other public purposes.

[3] Conservation of natural features in their existing state.

[4] Parking areas where necessary to serve active recreation facilities.

[5] Parks, playgrounds, and recreational areas less than 2 acres.

[6] Stormwater management facilities for the proposed development, including detention and retention basins.

[7] Wildlife sanctuary, forest preserve, nature center, trails, picnic areas, and similar uses.

[8] Water supply and sanitary facilities for individual lots, groups of lots, or the entire development.

- (b) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.

[1] Animal units, as defined in § 300-9, that are greater than 1 animal unit per 1 acre shall be a conditional use and approved under **Article VI** of this chapter.

[2] Agricultural activities are allowed only in A-2 and A-5 underlying

zoning districts provided that such uses are not less than 50 feet from any residential lot line. Agricultural activities including:

- The cultivation, harvesting, and sale of crops.
- The raising and sale of livestock or fowl with associated pasture.
- The boarding of horses with associated pasture.
- Orchards, nurseries, greenhouses, and related horticultural uses.
- Agricultural structures, such as barns, silos, storage sheds, cribs, coops, and stables.

[3] Community center.

[4] Golf courses and country clubs.

[5] Utilities, except antennas and communications towers, provided that such uses are not less than 100 feet from any residential lot line.

(c) Prohibited uses. The following uses and activities are prohibited in open space areas in cluster developments.

[1] The use of non-recreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and associated farm vehicles are permitted, as needed.

[2] The use of recreational vehicles except as used for agricultural activities within open spaces and maintenance and operation of open spaces.

[3] Cutting of healthy trees; regrading; topsoil removal; and altering, diverting or modifying watercourses or bodies, except in compliance with an approved land stewardship maintenance and operation plan, as described in Subsection H(2)(a).

[4] Commercial feed lots.

D. Review procedures. To aid the Town of Holland in determining whether the applicant has accomplished the intent and objectives as described in Subsection A and has met the design standards for cluster groups and open space areas as described in Subsections F and G, the application shall comply with the requirements of Article V or Article VI of this chapter, in addition to submitting plat data required by Chapter 335: Land Division Ordinance, Town of Holland and the Sheboygan County Subdivision Ordinance.

E. Density and dimensional standards.

- (1) Provisions for calculating the density of a single lot or parcel of record within the RCDO is governed by the regulations of the underlying zoning district (A-2, A-5, or R-5).
- (2) In order to calculate the maximum number of residential units for the RCDO, the petitioner must first prepare a yield plan. The yield plan shall be a realistic and reasonable depiction of the maximum number of residential units that could be created within the regulations of the underlying zoning district (A-2, A-5, or R-5). The Town and/or Town staff shall review the yield plan layout as per any conceptual land division.



- (3) The maximum number of residential units calculated in the yield plan shall comply with the following standards:

Maximum Density <sup>a</sup>	Based on Underlying Zoning District
Minimum Lot Area <sup>b</sup>	20,000 square feet
Maximum Lot Area	Two (2) acres
Minimum Lot Width: Road Frontage Cul-de-Sac Frontage	125 feet 50 feet
Minimum Front Yard Setback	50 feet
Minimum Corner Yard Setback	20 feet
Minimum Rear Yard Setback Principal Building Accessory Building <sup>c</sup>	50 feet 10 feet
Minimum Side Yard Setback Principal Building Accessory Building <sup>c</sup>	20 feet 10 feet
Maximum Height Principal Structure Accessory Structure Agricultural Structure	35 feet 18 feet 60 feet
Minimum Open space	60% of gross land acres

<sup>a</sup> Existing dwelling units that will remain on the site shall be included in the maximum density calculation.

<sup>b</sup> For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be large enough to accommodate all structures and livestock within the building envelope.

<sup>c</sup> Accessory structures shall not be permitted within the front yard.

### **DENSITY CALCULATION EXAMPLE #1:**

40 acre parcel with an A-2 underlying zoning district designation

Step 1: Calculate Density

- 40 acres / A-2 allowable density (1 dwelling unit / 5 acres) = 8 dwelling units

Step 2: Calculate Open Space

- 40 acres \* 60% required open space = 24 acres of open space

Step 3: Calculate Lot Size

- 40 acre parcel – 24 acres of open space = 16 developable acres
- 16 developable acres / 8 dwelling units = 2 acre average lot size

Summary: A 40 acre parcel with an A-2 underlying zoning district designation yields 8 dwelling units with a 2 acre average lot size on 16 developable acres with 24 acres of open space using the regulations of the RCDO zoning district.

### **DENSITY CALCULATION EXAMPLE #2:**

40 acre parcel with an A-5 or R-5 underlying zoning district designation

Step 1: Calculate Density

- 40 acres / A-5 or R-5 allowable density (1 dwelling unit / 3 acres) = 13 dwelling units

Step 2: Calculate Open Space

- 40 acres \* 60% required open space = 24 acres of open space

Step 3: Calculate Lot Size

- 40 acre parcel – 24 acres of open space = 16 developable acres
- 16 developable acres / 13 dwelling units = 1.2 acre average lot size

Summary: A 40 acre parcel with an A-5 or R-5 underlying zoning district designation yields 13 dwelling units with a 1.2 acre average lot size on 16 developable acres with 24 acres of open space using the provisions of the RCDO zoning district.

F. Design standards for cluster groups.

(1) The following standards shall apply to all cluster groups:

- (a) All dwelling units shall be grouped into cluster groups.
- (b) A subdivision plat may contain one or more cluster groups.
- (c) Cluster groups shall be defined and separated by open space areas in order to provide direct access to open space areas and privacy to individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a boulevard.

- (d) All lots in a cluster group shall abut open space areas for a minimum of 50 feet. Open space areas across a street shall qualify for this requirement.
  - (2) In locating cluster groups, disturbance to woodlands, hedgerows, individual mature trees, and prime farmland soils (when the objective is to preserve productive agricultural use) shall be minimized.
- G. Design standards for open space areas. On all tracts developed under the cluster development regulations, at least 60% of the gross land area shall be set aside as protected open space. This open space shall meet the following standards:
- (1) For the purposes of this section, "gross land area" includes all lands within the tract, except existing street, railway, and utility rights-of-way.
  - (2) Open space areas shall comply with the following design standards:
    - (a) The location of open space areas shall be consistent with the objectives of the Town of Holland Comprehensive Plan.
    - (b) All open space areas should be part of a larger continuous and integrated open space system.
    - (c) Open space areas shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character; in compliance with the intent of this chapter, primary and secondary environmental corridors and isolated natural areas as identified by the Regional Plan Commission are of particular significance for protection.
    - (d) Natural features shall generally be maintained in their natural condition but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved land stewardship plan, as described in Subsection H(2)(a). Permitted modifications may include:
      - [1] Woodland management.
      - [2] Reforestation.
      - [3] Meadow management.
      - [4] Wetlands management.
      - [5] Stream bank protection.
      - [6] Buffer area landscaping.
    - (e) Wetlands, floodplains, unique wildlife habitat areas, steep slopes over 12%, lowland environmental corridors, and upland primary environmental corridors should be contained in open spaces.
    - (f) Maximize common boundaries with existing or future open space on adjacent tracts, as shown in the Town of Holland Comprehensive Plan.
    - (g) To preserve scenic views, ridge tops and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridge tops or hilltops.

- (h) The boundaries of open space areas shall be marked by natural features whenever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
    - (i) Trails in open space areas located within 50 feet of homes in cluster groups shall be identified by identification markers, plantings, fences, or other landscape features.
  - (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas that are not used for agricultural purposes, in accordance with the following:
    - (a) At least one access point per cluster group shall be provided, having a width of at least 50 feet.
    - (b) Access to open space areas used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
  - (4) The following areas shall not be included in the calculation of open space areas:
    - (a) Private lot areas.
    - (b) Street and highway rights-of-way, public or private.
    - (c) Railway and utility rights-of-way.
- H. Ownership and maintenance of common facilities and open space areas. To ensure adequate planning for ownership, operation, and maintenance of open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as "common facilities"), the following regulations shall apply:
- (1) Ownership. The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to the following to be approved on an individual basis by the Town Plan Commission:
    - (a) Homeowners' association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners' association, subject to the provisions set forth herein. The homeowners' association shall be governed according to the following:
      - [1] The applicant shall provide to the Town of Holland a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
      - [2] The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
      - [3] Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
      - [4] The organization shall be responsible for maintenance and insurance of

common facilities.

- [5] The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
  - [6] The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
  - [7] The applicant for any tract proposed to contain common facilities shall arrange with the Town of Holland Assessor a method of assessment of the common facilities, which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
  - [8] Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance of common facilities must be given to all members of the organization and to Town of Holland at least 30 days prior to such event.
- (b) Condominium. Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town of Holland Attorney and shall be in conformance with the Ch. 703, Wis. Stats., as amended. All open space areas and other common facilities shall be held as common elements by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- (c) Dedication of conservation easements to the Town of Holland or other public agency. The Town of Holland or other public agency acceptable to the Town of Holland may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- [1] There is no cost of easement acquisition to the Town of Holland, other than costs incidental to the transfer of ownership, such as title insurance.
  - [2] A satisfactory maintenance agreement shall be reached between the owner and the Town of Holland.
  - [3] Lands under a Town of Holland easement may or may not be accessible to the residents of the Town of Holland.
- (d) Transfer of ownership or easements to a private conservation organization. With approval of the Town of Holland, an owner may dedicate or transfer easements of any portion of the common facilities to a private, nonprofit conservation organization, provided that:
- [1] The organization is acceptable to the Town of Holland and is a bona fide conservation organization.
  - [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - [3] A maintenance plan and program acceptable to the Town of Holland is established in accordance with Subsection H(2).

- (e) Ownership retained by the original landowner. Ownership of open space areas and facilities may be retained by the original landowner, provided that:
    - [1] The Town of Holland and residents of the development shall hold conservation easements on the land, protecting it from any further development.
    - [2] Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
  - (f) Other methods acceptable to the Town Plan Commission.
- (2) Maintenance and operation of common facilities.
- (a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to, and approved by, the Town Plan Commission prior to land division approval. Such plan shall define ownership; establish necessary regular and periodic operation and maintenance responsibilities; estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis. The plan shall include a narrative, based on the site analysis required in Subsection C, describing existing conditions, including all natural, cultural, historic, and scenic elements in the landscape, and objectives for each open space area, including:
    - [1] The proposed end state for the area and the measures proposed for achieving the end state.
    - [2] Proposed restoration measures, including:
      - [a] Measures for correcting increasingly destructive conditions, such as erosion; and
      - [b] Measures for restoring historic features.
    - [3] A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including mowing schedules, weed control, planting schedules, and clearing and cleanup.
  - (b) In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Town of Holland may serve written notice upon such organization and upon the residents and owners of the uses relating thereto setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The Town of Holland may enter the premises and take corrective action.

- (c) The costs of corrective action by the Town of Holland shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Holland, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
- (3) Leasing of open space areas. Open space areas may be leased to another person or other entity for use, operation, and maintenance, provided that:
  - (a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
  - (b) The open space areas to be leased shall be maintained for the purposes set forth in this chapter.
  - (c) The operation of such leased open space areas may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.
  - (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Plan Commission.
  - (e) Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the Town of Holland.
- (4) Conservation. Open space areas shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Plan Commission and duly recorded in the office of the County Register of Deeds.

I. Sanitary and water supply facilities.

- (1) Sanitary facilities.
  - (a) Sanitary facilities for cluster development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sanitary systems and the Wisconsin Department of Natural Resources for public sanitary systems. Alternate septic fields are required for lots under 1.5 acres. Acceptable systems may consist of the following:
    - [1] Private, individual on-site systems serving a single lot, consisting of:
      - [a] Conventional systems.
      - [b] Mound systems.
      - [c] Holding tanks.
    - [2] Public, community systems consisting of:
      - [a] Dispersed community systems, serving two or more dwellings, but not the entire development.

- [b] Centralized community systems, serving the entire development.
  - [3] Public, municipal systems, serving all or parts of the entire development.
- (b) Open space areas may be used for some or all of the elements of any of the systems listed above.
- (c) All sanitary facilities shall be consistent with the requirements of the Sheboygan County Subdivision and Sanitary Ordinances.
- (d) All public community sanitary facilities shall be owned, operated, and maintained by a general or special purpose unit of government.
- (2) Water supply facilities.
  - (a) Water supply facilities may consist of any of the following systems, provided that they meet the requirements of the Wisconsin Department of Natural Resources and Chs. NR 811 and NR 812, Wis. Adm. Code:
    - [1] Private, individual wells.
    - [2] Private, community wells.
    - [3] Public water supply system.
  - (b) All water supply facilities shall be consistent with the requirements of the Sheboygan County Subdivision Ordinance.
  - (c) All water supply facilities, other than private individual wells or shared private wells (i.e. cluster systems), shall be owned, operated, and maintained by a general or special purpose unit of government.
- J. Development agreement and reimbursement of expenses. See § 330-19 of this chapter for possible requirements.

**§ 330-32. C-1 Lowland resource conservation district.**

- A. Purpose. The primary purpose of the C-1 District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in Town of Holland. The proper regulation of these areas will serve to maintain and improve groundwater and surface water quality, prevent flood damage, protect fish and wildlife habitat, prohibit the location of structures on soils which are generally not suitable for such use, protect natural watersheds, and protect the water-based recreation and open space resources of Town of Holland. This district recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land/water interface.
- B. Lands included. The C-1 District shall include minimally all areas delineated as swamps, marshes, bogs, and other wetlands on the Shoreland Zoning Map, Sheboygan County, Wisconsin, as described in the Shoreland-Floodplain Ordinance, Sheboygan County, Wisconsin, as well as those shoreland and wetland areas identified as being of local concern.
  - (1) Permitted uses. See Article V of this chapter for application, review and approval procedures for permitted uses.

The following uses are permitted in the C-1 District, provided that such uses are conducted in accordance with sound conservation practices and do not involve



dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography:

- (a) Dugout ponds and level ditches.
  - (b) Flood overflow and movement of water.
  - (c) Forestry and game management.
  - (d) Hiking trails.
  - (e) Hunting, fishing, wildlife preserves and other historic/scientific areas.
  - (f) Navigation.
  - (g) Nonresidential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops.
  - (h) Park, playground, and recreation areas less than 2 acres not including the location or erection of building or structures.
  - (i) Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds.
- (2) Conditional uses. See **Article VI** of this chapter for application, review and approval procedures for conditional uses. The following uses may be conditionally permitted, except that issuance of a conditional use shoreland zoning permit (pursuant to the Shoreland-Floodplain Ordinance, Sheboygan County, Wisconsin) and/or Department of Natural Resources permits (pursuant to §§ 30.11, 30.12, 30.19, 30.195, and 31.05, Wis. Stats.) may also be required:
- (a) Cranberry bogs.
  - (b) Piers and docks.
  - (c) Public emergency shelters.
  - (d) Removal of peat or topsoil.
  - (e) Special crop farming.
- C. Area, height and yard requirements: none. No building or structure is permitted except as provided under Subsection B(1) and (2) above.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-33. P-1 Recreational park district.**

- A. Purpose. The purpose of the P-1 District is to provide for areas where the recreational needs of residents can be met without undue disturbance of natural resources and adjacent uses.
- B. Lands included.
- (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - (a) Park, playground, and recreation areas greater than 2 acres but less than 10

acres not including the location or erection of building or structures.

- (b) Picnic grounds.
- (c) Outdoor ice-skating rinks.
- (2) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
  - (a) Amusement activities such as arcades, fairgrounds, roller-skating rinks, go-cart tracks, race tracks and recreation centers.
  - (b) Archery ranges, golf driving ranges, firearm ranges, athletic fields or courts, and indoor skating rinks.
  - (c) Boat rentals and boat access sites.
  - (d) Golf courses and country clubs.
  - (e) Gymnasiums and athletic clubs.
  - (f) Hunting and fishing clubs.
  - (g) Park, playground, and recreation areas greater than 10 acres not including the location or erection of building or structures.
  - (h) Private campgrounds and recreational camps.
  - (i) Public emergency shelters.
- C. Area, height and yard requirements.
  - (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by **Article XI** of this chapter, sewer and water systems, and all required yards.
  - (2) Building height: maximum 35 feet.
  - (3) Yards.
    - (a) Rear: minimum 50 feet.
    - (b) Side: minimum 50 feet.
    - (c) Street: see **Article XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-34. P-2 Public district.**

- A. Purpose. The purpose of the P-2 District is to provide suitable areas for semipublic uses owned by nonprofit organizations, as well as accommodate lands and facilities owned by the Town, Sheboygan County and state and federal agencies.
- B. Lands included.
  - (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.

- (a) Government halls and structures.
  - (b) Nonprofit organization offices.
  - (c) Public rights-of-way pursuant to applicable regulations governed by the Town, Sheboygan County and state and federal agencies.
- (2) Conditional uses. See **Article VI** of this chapter for application, review and approval procedures for conditional use.
- (a) Antennas and communication towers.
  - (b) Cemeteries.
  - (c) Churches and similar places of worship.
  - (d) Community centers.
  - (e) Fire stations.
  - (f) Hospitals and nursing homes.
  - (g) Libraries.
  - (h) Municipal solid waste processing and disposal, and wastewater treatment plants and facilities provided that all principal structures and excavations are not less than 500 feet from any residential district.
  - (i) Museums.
  - (j) Police stations.
  - (k) Public emergency shelters.
  - (l) Public, parochial and private schools, provided that the lot area is not less than 5 acres and all principal structures and uses are not less than 50 feet from any lot line.
  - (m) Utilities, except antennas and communication towers, provided that all principal structures and uses are not less than 50 feet from any residential lot line.
  - (n) Waste disposal sites.
  - (o) Wastewater treatment plants.

C. Area, height and yard requirements.

- (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by **Article XI** of this chapter, sewer and water systems, and all required yards.
- (2) Building height: maximum 35 feet.
- (3) Yards.
  - (a) Rear: minimum 25 feet.
  - (b) Side: minimum 25 feet.

- (c) Street: see **Article XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-35. B-1 Business district.**

- A. Purpose. The purpose of the B-1 District is to provide for the proper location and regulation of commercial, retail, professional, and service operations that are not detrimental to the immediate surrounding area or to the Town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to lighting, noise, dust, traffic, physical appearance, etc.) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.
- B. Lands included.
  - (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - (a) Business and professional offices.
    - (b) Park, playground, and recreation areas less than 2 acres not including the location or erection of building or structures.
  - (2) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
    - (a) Auto body shops.
    - (b) Clubs.
    - (c) Daycare Facilities.
    - (d) Financial institutions.
    - (e) Fueling stations and repair garages.
    - (f) Hotels and motels.
    - (g) Landscape and supply operations. See **Article VIII**.
    - (h) Medical and dental clinics.
    - (i) Personal and professional service establishments that perform services on the premises.
    - (j) Restaurants and taverns.
    - (k) Retail stores and shops.
- C. Area, height and yard requirements.
  - (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by **Article XI** of this chapter, all required yards, and all private or public utilities.
  - (2) Building height: maximum 35 feet.
  - (3) Yards.

- (a) Rear: minimum 30 feet.
  - (b) Side: minimum 15 feet.
  - (c) Street: see **Article XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-36. M-1 Manufacturing and industrial district.**

- A. Purpose. The purpose of the M-1 District is to provide for the proper location and regulation of manufacturing, assembly, and industrial operations that are not detrimental to the immediate surrounding area or to the Town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to smoke, odor, noise, dust, flash, traffic, physical appearance, etc.) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.
- B. Lands included.
  - (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - (a) Cabinet shops.
    - (b) Canning factories.
    - (c) Machine shops.
  - (2) Conditional uses. See **Article VI** of this chapter for application, review, and approval procedures for conditional uses.
    - (a) Food processing plants.
    - (b) Foundries.
    - (c) Lumberyards and building supply yards.
    - (d) Manufacturing, assembly, fabrication and processing facilities.
    - (e) Printing and publishing facilities.
    - (f) Storage yards.
    - (g) Tool and die shops.
    - (h) Warehouses and indoor storage.
- C. Area, height and yard requirements.
  - (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by **Article XI** of this chapter, all required yards, and all private or public utilities.
  - (2) Building height: maximum 45 feet.
  - (3) Yards.
    - (a) Rear: minimum 30 feet, except 50 feet when abutting a residential district.

- (b) Side: minimum 15 feet, except 50 feet when abutting a residential district.
  - (c) Street: see **Article XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See **§ 330-19** of this chapter for possible requirements.

**§ 330-37. M-3 Mineral extraction district.**

- A. Purpose. The purpose of the M-3 District is to permit resource extraction operations as long-term transitional uses. The intent of these regulations is to minimize potential adverse effects (including but not limited to noise, dust, flash, vibration, traffic and physical appearance) of these uses on surrounding lands while operations are active and, to the maximum extent practicable, restore the site after operations have ceased.
- B. Lands included.
  - (1) Permitted uses. See **Article V** of this chapter for application, review and approval procedures for permitted uses.
    - (a) Processing of topsoil.
    - (b) Washing, refining or processing of rock, slate, gravel, sand or minerals.
  - (2) Conditional uses. See **Article VI** of this chapter for application, review and approval procedures for conditional uses.
    - (a) Aggregate or ready-mixed plant.
    - (b) Clay, ceramic and refractor mineral mining.
    - (c) Crushed and broken stone quarrying.
    - (d) Mixing of asphalt.
    - (e) Municipal solid waste processing and disposal, provided that all principal structures and excavations are not less than 500 feet from any residential district.
    - (f) Nonmetallic mining services.
    - (g) Sand and gravel quarrying.
- C. Regulations. All uses listed are subject to the following regulations and such other requirements as the Town Board deems appropriate to protect the health, safety and general welfare: [Amended 12-10-2007 by Ord. No. 1-2007]
  - (1) A plat of survey shall be submitted showing topographic data (minimum contour interval of five feet) and existing and proposed excavations.
  - (2) An operations plan shall be submitted, including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
  - (3) After obtaining a preliminary conditional use permit from the Town, the applicant shall obtain a nonmetallic reclamation permit from the Sheboygan County Land and

Water Conservation Department (sureties will be required to enable Sheboygan County to carry out the restoration plan in the event of default by the applicant). The applicant shall submit the reclamation permit to the Town for review, after which the Town may add to the preliminary conditional use permit if necessary and issue a final conditional use permit.

- (4) All excavations shall be at least 200 feet from the right-of-way of any public or private street or property line. All accessories, such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.
- D. Development agreement and reimbursement of expenses. See § 330-19 of this chapter for possible requirements.

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## **ARTICLE V – Site Plan and Plan of Operation**

### **§ 330-38. Purpose.**

The Town Plan Commission shall issue a site plan and plan of operation permit for permitted uses after review, provided that such permitted uses and structures are in accordance with the regulations of the applicable zoning district, the Town of Holland Comprehensive Plan Year 2030, and promote compatible development, stability of property values, prevent impairment or depreciation of property values, and foster the attractiveness and functional utility of the community as a place to live and work.

All site plan and plan of operation permits shall be granted or denied within 45 days after receipt of the application, unless the time is extended by mutual consent of the applicant and the Town Plan Commission.

The provisions of § 330-39 through 330-45 of this chapter regulate “low impact” development which is characterized as development of residential and small-scale farm operation related uses that demonstrate limited adverse impacts on surrounding lands, waters, natural and cultural resources, and public facilities and utilities as determined by the Town Plan Commission.

The Town Plan Commission reserves the right to waive or modify any of the provisions required under § 330-39 thru 330-46 of this chapter based on individual circumstances. The Town Plan Commission shall provide such guidance to the Clerk of the Plan Commission.

### **§ 330-39. Site plan and plan of operation review.**

The Town Plan Commission may approve the site plan and plan of operations only after determining that:

- A. The proposed use(s) conform(s) to the uses permitted in the applicable zoning district.
- B. The dimensional arrangement of buildings and structures conform to the required density, area, height and yard requirements of the applicable zoning district.
- C. The proposed use(s) conform(s) to all use and design provisions and requirements (if any) as found in the applicable zoning district and this Ordinance for the specified use(s).
- D. The relationship between the existing and proposed streets within the vicinity of the project assures the safety and convenience of pedestrian and vehicular traffic.
- E. The proposed buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. This is done by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
- F. Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- G. Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this Ordinance.

- H. Lands, buildings, and structures are readily accessible to emergency vehicles and the handicapped (when applicable).
- I. The site plan and plan of operation is consistent with the intent and purpose of the applicable zoning district and this Ordinance.
- J. The site plan and plan of operation is consistent with the public goals, objectives, and principles as set forth in the Town of Holland Comprehensive Plan Year 2030 and its components.

**§ 330-40. Site plan and plan of operation requirements.**

The following is a description of the plans, documents, and written submittals required for review of all applications for site plan and plan of operation permits by the Town Plan Commission. The Clerk of the Plan Commission shall not accept any application without all required items being provided at the time of application.

- A. All applicable requirements of the Sheboygan County Code of Ordinances shall be met.
- B. Location map: A map of the subject property showing all lands for which the use is proposed, and all other lands within three hundred (300) feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties and show any other jurisdiction(s) that maintain(s) control over the property. The location map shall be at a scale that is appropriate of the request. A map showing the subject property and illustrating its relationship to the nearest street intersection is required at a size that is appropriate for the size and nature of the request.
- C. Plan of operation: Description of the intended use shall include, but not limited to, the following:
  - (1) Zoning: Existing zoning district(s) and proposed zoning district(s) if different.
  - (2) The future land use designation for the subject property as depicted by land use map in the Town of Holland Comprehensive Plan Year 2030.
  - (3) Current uses present on the subject property.
  - (4) Proposed uses for the subject property.
  - (5) Proposed development: The amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density floor area ratio, impervious surface area ratio, and landscape surface area ratio.
  - (6) Operations: The operational considerations relating to number of employees, hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
  - (7) Operational considerations: Relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in this Ordinance, including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.
  - (8) Building material: The exterior building and fencing materials.
  - (9) Expansion: Any possible future expansion and related implications.

- (10) Other information: Any other information pertinent to adequate understanding by the Town Plan Commission of the intended use and its relation to nearby properties.

D. Site plan:

- (1) A title block that indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, and planner) for project.
- (2) The date of the original plan and the latest date of revision to the plan.
- (3) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals one hundred (100) feet.
- (4) A legal description of the subject property.
- (5) Acreage of individual lots or parcels.
- (6) Property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- (7) Existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
- (8) Required building setback lines.
- (9) Existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
- (10) The location and dimension of all access points onto public streets.
- (11) The location and dimension of all on-site parking (and off-site parking provision if they are to be employed), including a summary of the number of parking stalls provided versus the number required by this Ordinance.
- (12) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
- (13) The location of all outdoor storage areas and screening devices.
- (14) The location, type, height, size and lighting of all signage on the subject property and conforming to other sections of this Ordinance.
- (15) The location, height, design/type, illumination power and orientation of exterior lighting on the subject property.
- (16) The location and type of any permanently protected green space areas.
- (17) The location of existing and proposed drainage facilities.
- (18) In the legend, data for the subject property:
  - (a) Lot area.
  - (b) Floor area.
  - (c) Floor area ratio.

- (d) Impervious surface area.
- (e) Impervious surface ratio to site.
- (f) Building height.

**§ 330-41. Inspection of subject premise or use.**

Upon reasonable notice and at any reasonable time, all site plan and plan of operation permits are subject to review by the Town officials and staff to determine whether the subject property or use is in accord with the terms of the site plan and plan of operation permit.

**§ 330-42. Amendment of a site plan and plan of operation permit.**

If any holder of a site plan and plan of operation permit wishes to change, modify, alter, and/or amend any aspect of the terms of said permit, the holder shall apply for such change, modification, alteration and/or amendment through the procedure of application for site plan and plan of operation permits detailed herein.

**§ 330-43. Termination of a site plan and plan of operation permit.**

A site plan and plan of operation permit will terminate when, after notice and public hearing, the Town determines any of the following:

- A. The site plan and plan of operation has not continued in conformity with the conditions of the permit.
- B. A change in character of the single lot or parcel of record governed by the site plan and plan of operation itself has caused such use to be no longer compatible with surrounding uses.
- C. The site plan and plan of operation has been abandoned in any manner or discontinued in use for twelve (12) months or longer.

Upon such determination, the owner of the premises shall be required to bring all lands and buildings into conformity with the regulations of the district within 90 days from the determination by the Town Plan Commission.

The process for terminating a site plan and plan of operation permit shall generally follow the procedures for granting a site plan and plan of operation permit as set forth in this chapter.

**§ 330-44. Professional fees and charges.**

Costs incurred by the Town in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of site plan and plan of operation applications and the preparation of conditions to be imposed on such uses shall be charged to and paid by the applicant.

**§ 330-45. Recording.**

A site plan and plan of operation permit approved by the Town shall not be considered to be in effect until the applicant has caused said permit and a land covenant to be recorded with the Sheboygan County Register of Deeds.

**§ 330-46. Additional plans, documents, & written submittals for high impact development.**

In addition to complying with the provisions of § 330-39 through 330-45 of this chapter, compliance with the following provisions is required for “high impact” development which is

characterized as development of residential, large-scale farm operation, commercial, and industrial related uses that demonstrate adverse impacts on surrounding lands, waters, natural and cultural resources, and public facilities and utilities as determined by the Town Plan Commission.

- A. Detailed landscape plan: A detailed landscape plan must be submitted, at the same scale as the site plan, showing the location of all required buffer yards and landscaping areas, and existing and proposed landscape point fencing and berm options for complying with said requirements. The landscaping plan shall include, but not be limited to, the following:
  - (1) The individual plant locations, species, and size shall be shown.
  - (2) Screening such as fencing types and earth berms shall be shown by size and height.
  - (3) A narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding. Such narrative shall define ownership, establish necessary regular and periodic operation and maintenance responsibilities, estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.
- B. Grading plan: A detailed grading plan must be submitted, at the same scale as the site plan, showing existing and proposed grades, including retaining walls and related devices, and erosion control measures. The grading plan shall include, but not be limited to, the following:
  - (1) Existing and proposed contours at two (2) foot contours.
  - (2) Existing and proposed spot elevations at corners of structures and significant changes in grade.
  - (3) Flow lines of all drainage ways.
- C. Elevation drawings: Two-dimensional elevation views of proposed buildings, structures, or proposed remodeling of existing buildings showing finished exterior treatment shall be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photo of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings or structures.
- D. Storm/surface water and erosion control plans.
  - (1) Vicinity map showing watershed boundary and physical features.
  - (2) Soils information.
    - (a) A soil map of the area from the Soil Survey of Sheboygan County.
    - (b) Location of soils with moderate to very severe limitations for residential uses as indicated in the Soil Survey. (i.e. subject to occasional flooding, temporary high water table, etc.)
    - (c) Design alternatives to overcome the soil limitations.
  - (3) Hydrologic information.
    - (a) Calculate total area of watershed and sub-watershed in acres (including offsite areas).

- (b) Soil types and hydrologic soil groups.
  - (c) Average slope of the land within the watershed.
  - (d) Runoff flow rate.
  - (e) All calculations required by the Sheboygan County Storm Water Ordinance.
- (4) Proposed waterways, drainage easements, and road ditches.
- (a) Design discharge in cubic feet per second (cfs).
  - (b) Profiles and typical cross sections for all easements, waterways, and road ditches.
  - (c) Size, location, and capacity of culverts.
  - (d) Design velocity in cubic feet per second (cfs).

## ARTICLE VI – Conditional Use

### § 330-47. Purpose.

The Town Plan Commission may issue a conditional use permit for conditional uses provided that such conditional uses and structures are in accordance with the regulations of the applicable zoning district, the Town of Holland Comprehensive Plan Year 2030, and promote compatible development, stability of property values, prevent impairment or depreciation of property values, and foster the attractiveness and functional utility of the community as a place to live and work.

Upon receipt of the application, the required data and fees, the Town shall hold a public hearing by publishing a Class 2 notice thereof under Ch. 985, Wis. Stats. All conditional use permits shall be granted or denied within 60 days after receipt of the application, unless the time is extended by mutual consent of the applicant and the Town Plan Commission.

The Town Clerk shall transmit notification to the Department of Agricultural, Trade and Consumer Protection the approval of any conditional uses in the A-1 zoning district.

The Town Plan Commission reserves the right to waive or modify any of the provisions required under § 330-48 through 330-49 of this chapter based on individual circumstances. The Town Plan Commission shall provide such guidance to the Clerk of the Plan Commission.

### § 330-48. Conditional use review.

The Town Plan Commission may approve said conditional use only after determining that:

- A. The proposed use(s) conform(s) to the uses permitted in the applicable zoning district.
- B. The dimensional arrangement of buildings and structures conform to the required density, area, height and yard requirements of the applicable zoning district.
- C. The proposed use(s) conform(s) to all use and design provisions and requirements (if any) as found in the applicable zoning district and this Ordinance for the specified use(s).
- D. The relationship between the existing and proposed streets within the vicinity of the project is compatible to assure the safety and convenience of pedestrian and vehicular traffic.
- E. The proposed buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. This is done by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
- F. Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- G. Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this Ordinance.
- H. Lands, buildings, and structures are readily accessible to emergency vehicles and the handicapped (when applicable).
- I. The conditional use is consistent with the intent and purpose of the applicable zoning district and this Ordinance.

- J. The conditional use is consistent with the public goals, objectives, and principles as set forth in the Town of Holland Comprehensive Plan Year 2030 and its components thereof.

**§ 330-49. Conditional use requirements.**

The following is a description of the plans, documents, and written submittals required for review of all applications for conditional use permits by the Town Plan Commission. The Clerk of the Plan Commission shall not accept any application without all required items being provided at the time of application.

- A. All applicable requirements of the Sheboygan County Code of Ordinances shall be met.
- B. Location map: A map of the subject property showing all lands for which the use is proposed, and all other lands within three hundred (300) feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties and show any other jurisdiction(s) that maintain(s) control over the property. The location map shall be at a scale that is appropriate of the request. A map showing the subject property and illustrating its relationship to the nearest street intersection is required at a size that is appropriate for the size and nature of the request.
- C. Plan of operation: Description of the intended use shall include, but not limited to, the following:
- (1) Zoning: Existing zoning district(s) and proposed zoning district(s) if different.
  - (2) The future land use designation for the subject property as depicted by land use map in the Town of Holland Comprehensive Plan Year 2030.
  - (3) Current uses present on the subject property.
  - (4) Proposed uses for the subject property.
  - (5) Proposed development: The amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density floor area ratio, impervious surface area ratio, and landscape surface area ratio.
  - (6) Operations: The operational considerations relating to number of employees, hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
  - (7) Operational considerations: Relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in this Ordinance, including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.
  - (8) Building material: The exterior building and fencing materials.
  - (9) Expansion: Any possible future expansion and related implications.
  - (10) Other information: Any other information pertinent to adequate understanding by the Town Plan Commission of the intended use and its relation to nearby properties.
- D. Site plan:



- (1) A title block that indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, and planner) for project.
- (2) The date of the original plan and the latest date of revision to the plan.
- (3) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals one hundred (100) feet.
- (4) A legal description of the subject property.
- (5) Acreage of individual lots or parcels.
- (6) Property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- (7) Existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
- (8) Required building setback lines.
- (9) Existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
- (10) The location and dimension of all access points onto public streets.
- (11) The location and dimension of all on-site parking (and off-site parking provision if they are to be employed), including a summary of the number of parking stalls provided versus the number required by this Ordinance.
- (12) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
- (13) The location of all outdoor storage areas and screening devices.
- (14) The location, type, height, size and lighting of all signage on the subject property and conforming to other sections of this Ordinance.
- (15) The location, height, design/type, illumination power and orientation of exterior lighting on the subject property.
- (16) The location and type of any permanently protected green space areas.
- (17) The location of existing and proposed drainage facilities.
- (18) In the legend, data for the subject property:
  - (a) Lot area.
  - (b) Floor area.
  - (c) Floor area ratio.
  - (d) Impervious surface area.
  - (e) Impervious surface ratio to site.
  - (f) Building height.

- E. Detailed landscape plan: A detailed landscape plan must be submitted, at the same scale as the site plan, showing the location of all required buffer yards and landscaping areas, and existing and proposed landscape point fencing and berm options for complying with said requirements. The landscaping plan shall include, but not be limited to, the following:
- (1) The individual plant locations, species, and size shall be shown.
  - (2) Screening such as fencing types and earth berms shall be shown by size and height.
  - (3) A narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding. Such narrative shall define ownership, establish necessary regular and periodic operation and maintenance responsibilities, estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.
- F. Grading plan: A detailed grading plan must be submitted, the same scale as the site plan, showing existing and proposed grades, including retaining walls and related devices, and erosion control measures. The grading plan shall include, but not be limited to, the following:
- (1) Existing and proposed contours at two (2) foot contours.
  - (2) Existing and proposed spot elevations at corners of structures and significant changes in grade.
  - (3) Flow lines of all drainage ways.
- G. Elevation drawings: Two-dimensional elevation views of proposed buildings, structures, or proposed remodeling of existing buildings showing finished exterior treatment shall be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photo of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings or structures.
- H. Storm/surface water and erosion control plans.
- (1) Vicinity map showing watershed boundary and physical features.
  - (2) Soils information.
    - (a) A soil map of the area from the Soil Survey of Sheboygan County.
    - (b) Location of soils with moderate to very severe limitations for residential uses as indicated in the Soil Survey. (i.e. subject to occasional flooding, temporary high water table, etc.)
    - (c) Design alternatives to overcome the soil limitations.
  - (3) Hydrologic information.
    - (a) Calculate total area of watershed and sub-watershed in acres (including offsite areas).
    - (b) Soil types and hydrologic soil groups.
    - (c) Average slope of the land within the watershed.
    - (d) Runoff flow rate.

- (e) All calculations required by the Sheboygan County Storm Water Ordinance.
- (4) Proposed waterways, drainage easements, and road ditches.
  - (a) Design discharge in cubic feet per second (cfs).
  - (b) Profiles and typical cross sections for all easements, waterways, and road ditches.
  - (c) Size, location, and capacity of culverts.
  - (d) Design velocity in cubic feet per second (cfs).

**§ 330-50. Inspection of subject premise or use.**

Upon reasonable notice and at any reasonable time, all conditional use permits are subject to review by the Town officials and staff to determine whether the subject property or use is in accord with the terms of the conditional use permit.

**§ 330-51. Amendment of a conditional use permit.**

If any holder of a conditional use permit wishes to change, modify, alter, and/or amend any aspect of the terms of said permit, the holder shall apply for such change, modification, alteration and/or amendment through the procedure of application for conditional use permits detailed herein.

**§ 330-52. Termination of a conditional use permit.**

A conditional use permit will terminate when, after notice and public hearing, the Town determines any of the following:

- A. The conditional use has not continued in conformity with the conditions of the permit.
- B. A change in character of the single lot or parcel of record governed by the conditional use itself has caused such use to be no longer compatible with surrounding uses.
- C. The conditional use has been abandoned in any manner or discontinued in use for twelve (12) months or longer.

Upon such determination, the owner of the premises shall be required to bring all lands and buildings into conformity with the regulations of the district within 90 days from the determination by the Town Plan Commission.

The process for terminating a conditional use permit shall generally follow the procedures for granting a conditional use permit as set forth in this chapter.

**§ 330-53. Professional fees and charges.**

Costs incurred by the Town in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of conditional use applications and the preparation of conditions to be imposed on such uses shall be charged to and paid by the applicant.

**§ 330-54. Recording.**

A conditional use permit approved by the Town shall not be considered to be in effect until the applicant has caused said permit and a land covenant to be recorded with the Sheboygan County Register of Deeds.

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## ARTICLE VII – Home Occupations

### § 330-55. Standards.

No home occupation shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the district in which it is located and the following standards:

- A. No person other than a member of the immediate family occupying such dwelling unit shall be employed, except that for home professional offices one nonresident person may be employed.
- B. No stock-in-trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
- C. No alteration of the principal building shall be made that changes the character thereof as a dwelling.
- D. No more than 25% of the area of one story of a single-family dwelling nor more than 20% of the area of any other dwelling unit shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
- E. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
- F. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage accessory thereto.
- G. There shall be no outdoor storage of equipment or materials used in the home occupation.
- H. No signs shall be permitted other than those permitted by the applicable regulations in **Article XII** of this chapter.
- I. No more than one (1) commercial vehicle may be parked or stored on the subject property if the subject property abuts a collector or arterial street and the commercial vehicle does adversely impact adjacent properties as determined by the Town Plan Commission.
- J. The requirements under § 91.01 (1)(d) Wis. Stats., shall apply if the home occupation is located in the A-1 or A-3 zoning districts.

### § 330-56. Home occupations requiring a site plan and plan of operation permit.

Home occupations requiring a site plan and plan of operation permit as defined in **Article V** of this chapter include, but are not limited to, the following list of occupations; provided that each home occupation shall be subject to the requirements of this chapter as well as to any limitations specifically imposed on such occupation by this article:

- A. Dress makers, seamstresses or tailors.
- B. Music teachers, provided that the instruction shall be limited to one pupil at a time except for occasional groups.
- C. Artists, sculptors or authors.
- D. Physicians, dentists or other licensed medical practitioners.
- E. Lawyers, architects, engineers, realtors, insurance agents, brokers and members of similar professions.

- F. Ministers, rabbis, priests or other persons conducting religious worship.
- G. Other occupations or uses not specifically provided for in § 330-56 of this chapter which may be determined to be acceptable under the provisions of § 330-55 of this chapter and in the judgment of the Town Plan Commission.

**§ 330-57. Home occupations requiring a conditional use permit.**

Home occupations requiring a conditional use permit as defined in Article VI of this chapter include, but are not limited to, the following list of occupations; provided that each home occupation shall be subject to the requirements of this chapter as well as to any limitations specifically imposed on such occupation by this article:

- A. Barbershops, unless specifically permitted by the district regulations.
- B. Beauty parlors, unless specifically permitted by the district regulations.
- C. Day-care centers.
- D. Bed-and-breakfast homes.
- E. Renting of trailers.
- F. Repair shops or service establishments.
- G. Animal kennels, hospitals or stables.
- H. Other occupations or uses not specifically provided for in § 330-57 of this chapter which may be determined to be acceptable under the provisions of § 330-55 of this chapter and in the judgment of the Town Plan Commission.

## ARTICLE VIII – Landscape and Supply Operations

### § 330-58. Standards.

No landscape and supply operation (including the principal building, accessory buildings, associated services, and outside storage and displays) with or without a Conditional Use permit at the time of adoption of this Ordinance shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the zoning district in which it is located and the following standards:

- A. The minimum lot area shall include sufficient area for the landscape and supply operation, off-street parking and loading as required by Article XI of this chapter, all required yards, and all private or public utilities. The minimum lot area shall not be less than 1 acre. The Town Plan Commission is granted the authority to require the applicant to increase the proposed minimum lot area based on the character of the landscape and supply operation, the subject lot, and the surrounding area.
- B. No such use shall be allowed on any parcel, except as may front directly upon and have access to a collector street that can accommodate the heavy equipment.
- C. A planting screen typically ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. This requirement shall replace the required off-street parking area screening as required in Article XI of this chapter. The Town Plan Commission may increase or decrease the planting screen requirements as may be deemed appropriate.
- D. In determining whether or not the proposed use should be approved, the Town Plan Commission shall make a determination that the proposed use is compatible with adjacent land uses. If it is determined that the proposed use would in any way be incompatible, adversely affect, or constitute a nuisance to adjacent land uses, the proposed use shall not be approved.
- E. The requirements under § 91.01 (1)(d) Wis. Stats., shall apply if the landscape and supply operation is located in the A-1 or A-3 zoning districts.

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## **ARTICLE IX – Modifications**

### **§ 330-59. Yards.**

The Town Building Inspector, in reviewing building permits, may grant modifications to the yard requirements stipulated elsewhere in this chapter as follows:

- A. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed six feet and not closer than 10 feet to any lot line.
- B. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard but such projections shall not exceed three feet.
- C. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six feet, shall not exceed a height of four feet in the street yard, and shall not be closer than one foot to any existing public right-of-way.
- D. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- E. Essential services, utilities, electric power, and communication transmission lines are exempt from the height, yard, and distance requirements of this chapter.
- F. This section does not apply to antennas and communication towers.

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## **ARTICLE X – Nonconforming Uses, Structures and Lots**

### **§ 330-60. Existing nonconforming uses.**

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:

- A. Only that portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this chapter.
- B. Total lifetime structural repairs or alterations shall not exceed 50% of the Town's equalized value of the structure at the time of its becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this chapter.
- C. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- D. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter.
- E. When a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter.

### **§ 330-61. Existing nonconforming structures.**

A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however:

- A. Additions and enlargements to, or the moving of, existing nonconforming structures are permitted and shall conform to all established building setback lines and the yard, height, parking, loading, and access provisions of this chapter. Existing nonconforming structures and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment. The provisions of this subsection with respect to additions or enlargements are applicable only if the lot or parcel conforms to the requirements of the County Sanitary Ordinance or is serviced by a public sanitary sewer.
- B. Existing nonconforming structures that are damaged or destroyed by fire, explosion, flood, or other calamity may be reconstructed within their original footprint and insofar as is practical shall conform to all established building setback lines and the yard, height, parking, loading, and access provisions of this chapter. The provisions of this subsection with respect to reconstruction are applicable only if the lot or parcel conforms to the requirements of the County Sanitary Ordinance or is serviced by public sanitary sewer. A nonconforming structure or any structure with a nonconforming use which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.

### **§ 330-62. Changes and substitutions.**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a

more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

**§ 330-63. Existing vacant nonconforming lots.**

In any residential or agricultural district a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds office before November 8, 1982 (the date of the Town of Holland's original zoning ordinance). Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- A. Lot width: minimum 66 feet (public or acceptable off-site sewerage); 100 feet (on-site sewage disposal system).
- B. Lot area: minimum 10,000 square feet (public or acceptable off-site sewerage); 20,000 square feet (on-site sewage disposal system).

## ARTICLE XI – Off-Street Parking and Loading

### § 330-64. Parking requirements.

- A. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking spaces, based upon anticipated parking demand as follows, or as may hereafter be designated for specific uses or situations:

Single-family dwellings	2.0 spaces per dwelling unit
Two-family dwellings	2.0 spaces per dwelling unit
Multiple-family dwellings	1.5 spaces per dwelling unit
Commercial lodging (hotels, motels, tourist homes, etc.)	1.0 space for each guest room plus 1.0 space for each 3 employees
Elementary and middle schools	2.0 spaces for each classroom or auditorium requirement, whichever is greater
Junior and senior high schools	1.0 space for each 3 students or auditorium requirement, whichever is greater
Colleges, universities and vocational schools	1.0 space for each 3 students or other adults at maximum capacity
Churches, auditoriums, theaters, community centers and other places of public assembly	1.0 space for each 5 seats
Hospitals	1.0 space for each 2 beds plus 1.0 space for each 3 employees
Medical and dental clinics	4.0 spaces for each practitioner on the staff
Nursing homes and elder care facilities	1.0 space for each 6 beds plus 1.0 space for each 3 employees
Restaurants, taverns, clubs, lodges, etc.	1.0 space for each 50 square feet of primary floor area
Automobile service stations	4.0 spaces plus 1.0 space for each employee actively at work
Funeral homes	1.0 space for each 4 seats plus 1.0 space for each funeral vehicle maintained on the premises
Bowling alleys	5.0 spaces for each alley
Industrial uses (including laboratories and warehouses)	1.0 space for each 2 employees

Retail stores	1.0 space for each 150 square feet of primary floor area
Commercial office buildings and business, governmental and professional offices	1.0 space for each 300 square feet of primary floor area
Commercial indoor recreation (other than theaters)	1.0 space for each 50 square feet of primary floor area
Planned shopping centers	1.0 space for each 50 square feet of primary floor area
Landscape and supply operations	1.0 space for each 150 square feet of primary floor area plus 1.0 space for each 2 employees plus 1.0 space for each vehicle, tractor, and trailer stored outside on the premises

B. In addition to those specific uses listed above, the following shall apply:

- (1) Uses not listed. For uses not listed, the provision for a use that is similar shall apply.
- (2) Combinations of uses. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.
- (3) Lighting. Lighting provided in any parking area shall be hooded or beamed so as not to create undesirable glare or interference on any adjacent residential property or public roadways.
- (4) Screening. Any off-street parking area, other than that provided for a dwelling, which abuts or faces a residential district shall provide a planting screen, landscaped fence, or landscaped berm at least four feet high along the side abutting or fronting on a residential district.
- (5) Offset. In any off-street parking area, other than that provided for a dwelling, which abuts a residential district, no vehicle shall be allowed to park closer than 10 feet to the abutting residential lot line.
- (6) Setback. In any off-street parking area, no vehicle shall be allowed to park closer than five feet to the street line.
- (7) Application to existing uses. The off-street parking provisions shall not be required for legally existing uses as of the date of this chapter but shall be required for any expansion of such use by the addition of new primary floor area or other expansion of building or use generating new parking demand.
- (8) Employee parking. Parking spaces required for employees shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

**§ 330-65. Loading requirements.**

A. In any agricultural, commercial, or industrial district, adequate off-street loading and

unloading areas shall be provided (in addition to required off-street parking) and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

- B. The size or number of such loading spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Town Plan Commission upon submittal of a Site Plan and Plan of Operation application.

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## **ARTICLE XII – Signs**

### **§ 330-66. Permit required.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except those signs excepted in § 330-67 of this chapter below and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of any building codes.

### **§ 330-67. Signs permitted in all districts without permit.**

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
- B. Agricultural signs pertaining to the production or sale of agricultural products on a farm which shall not exceed 30 square feet in area for any one farm.
- C. Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- D. Name, home occupation, and warning signs not to exceed eight square feet located on the premises and not closer than 50 feet between signs.
- E. Bulletin boards of public, charitable, or religious institutions located on the premises.
- F. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- G. Official signs, such as traffic control, parking restrictions, information, and notices.
- H. Temporary signs or banners, such as at construction sites or special sales, when authorized by the Building Inspector.
- I. Directory signs indicating the direction and distance to a specific cottage, dwelling, or recreation facilities not to exceed five square feet in display area.

### **§ 330-68. Signs permitted in nonagricultural and nonresidential districts.**

The following signs are permitted in the business and industrial districts and are subject to the following regulations:

- A. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height.
- B. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises, shall not extend more than six feet in any required yard, shall not be less than 10 feet from all lot lines, shall not exceed a height of 20 feet, and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.
- C. Ground signs limited to one sign for each individual business premises which advertise the business names, services offered, or products sold on the premises shall not exceed 20 feet

in height, shall meet all yard requirements for the district in which it is located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. In addition to the above regulations, ground signs which advertise a business name, service offered, or products sold at a location other than the premises on which the sign is located shall conform to the setback requirements of **Article XV** of this chapter.

- D. Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
- E. Window signs shall be placed only on the inside of commercial buildings.
- F. Combinations of any of the above signs shall meet all the requirements for the individual sign.

**§ 330-69. Location limited.**

No sign except those permitted in § 330-67 of this chapter above shall be allowed to face a residential, conservation, or park district within 500 feet of such district boundary.

**§ 330-70. Prohibitions.**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be placed or be lighted in such a way as to cause glare or impair driver visibility upon public ways.

**§ 330-71. Existing signs.**

A sign lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of **Article X** of this chapter shall apply.

**§ 330-72. General restrictions.**

- A. Illumination. Where reflecting, radiating, or other illumination of signs is permitted:
  - (1) Light shall not be projected toward or onto property located in residential districts or onto public streets.
  - (2) Such illumination shall be indirect and the source of light shall not be exposed when located in a residential district.
- B. Conditions. Landscaping, architectural design, type of construction, sureties, continued maintenance, lighting, fencing, planting screens, operational control, hours of operation, traffic safety restrictions, increased yards, and other factors may be reviewed and required by the Town Plan Commission and Building Inspector before issuance of the building permit upon finding that they are necessary to fulfill the purpose and intent of this chapter.

## **ARTICLE XIII – Communication Towers and Antennas**

### **§ 330-73. Applicability.**

This article applies to all communication towers and antennas as defined in § 330-9 of this chapter, except for:

- A. Any device that does not exceed 35 feet in height, or such other height limitation that may apply to the zoning classification in which the device will be located.
- B. Any device not exceeding 70 feet in height for reception of telecommunication signals or owned and operated pursuant to a license granted by the FCC.
- C. Any device attached to a farm or business structure for its own internal radio communication that does not exceed 10 feet above the height limitation for that structure.
- D. Preexisting towers and antennas.

### **§ 330-74. Purpose.**

The purpose of this article is to accommodate the needs of businesses and residents while protecting the public health, safety, and general welfare of the community and to:

- A. Protect safety by such methods as prohibiting the locating of antennas and towers in or near residential areas and providing height and setback restrictions;
- B. Promote aesthetics by minimizing the number of towers in the Town, requiring towers to be located and configured in ways that minimize their adverse visual impact, and encouraging the utilization of alternative tower structures rather than freestanding towers whenever feasible; and
- C. Encourage commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.

### **§ 330-75. Principal or accessory use.**

Except for those specified in § 330-73 of this chapter, all communication towers and antennas require a conditional use permit issued in accordance with this chapter. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

### **§ 330-76. Inventory of existing sites.**

Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or conditional use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the governing authority is not by sharing such information in any way

representing or warranting that such sites are available or suitable.

**§ 330-77. Aesthetics and lighting.**

- A. If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
- B. At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and preexisting improvements.
- C. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of natural colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- D. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives and shall approve the design that would cause the least disturbance to surrounding areas.
- E. Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six feet above the ground on a placard no larger than 1 1/2 square feet, or as required by the FCC.

**§ 330-78. Federal and state requirements.**

All communication towers must meet or exceed standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

**§ 330-79. Building codes and safety standards.**

The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.

**§ 330-80. Setbacks.**

All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height, including antennas.

**§ 330-81. Permit procedure.**

Applications for conditional use permits shall be made in accordance with the procedures of **Article VI** of this chapter and the following:

- A. Information required in writing. Each applicant requesting a conditional use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, and other documentation, signed and sealed by an architect or engineer registered in Wisconsin, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

- B. Factors. The governing authority shall consider the following factors, as well as any other factors it deems appropriate, in determining whether to issue a conditional use permit:
- (1) Height of the proposed tower.
  - (2) Capacity of the tower structure for additional antenna equipment, to accommodate expansion, or to allow for collocation of another provider's equipment.
  - (3) Proximity of the tower to residential structures and residential district boundaries within 1,000 feet of the tower.
  - (4) List of nature of uses on all adjacent parcels and all other parcels within 1,000 feet of the tower.
  - (5) Surrounding topography within 1,000 feet of the tower.
  - (6) Surrounding tree coverage and foliage within 500 feet of the tower.
  - (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - (8) Proposed ingress and egress.
  - (9) Availability of suitable existing towers and other structures as discussed below.
- C. Availability of existing towers or structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of, but is not limited to, any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (5) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- D. Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least four feet in width surrounding the tower and structures

that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.

**§ 330-82. Removal of abandoned towers and antennas.**

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**§ 330-83. Special charges and assessments.**

Pursuant to the Town's police power and pursuant to authority granted by §§ 66.0627 and 66.0703, Wis. Stats., any costs incurred by the governing authority in ensuring compliance with the conditional use permit or with any other requirement of this article shall be billed to the conditional use permit holder and to the current title holder of the land, if different from the permit holder. Any amounts not paid within 30 days of billing shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special charge or special assessment for the parcel(s) upon which the tower and/or antenna is located.

## **ARTICLE XIV – Performance Standards**

### **§ 330-84. Purpose; compliance required.**

This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

### **§ 330-85. Air pollution.**

No person or activity shall reduce air quality or emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to contribute to exceeding county, state, or federal air pollution standards.

### **§ 330-86. Water quality protection.**

No person or activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials into any water, public sewer, public highway, or drainage ditch of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances, including but not limited to floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life, or overload the existing municipal utilities. In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to contribute to exceeding county, state, or federal water pollution standards.

### **§ 330-87. Solid or liquid wastes.**

No activity shall be permitted that violates county, state, or federal solid or liquid waste regulations.

### **§ 330-88. Fire and explosive hazard.**

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall comply with existing county, state, and federal regulations.

### **§ 330-89. Glare and heat.**

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located, except activities in an industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

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## **ARTICLE XV – Highway Setback Lines**

### **§ 330-90. Purpose and applicability.**

In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the Town of Holland, outside the limits of incorporated cities and villages, along all public highways, at the intersections of highways with highways and highways with railways as hereafter provided. If a highway in the future is located on a Town boundary, this article is not intended to be effective on the side within the city or village, nor on the side within another county where the highway is located on a county boundary.

### **§ 330-91. Definitions.**

As used in this article and for its purposes, the following words have the meanings indicated:

**CENTER LINE** — A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

**JUNCTION** — The point upon which two highway center lines, as herein established, or a highway center line and the center line of a railway right-of-way, meet.

**SETBACK LINES** — Lines established along highways at specified distances from the center line, which buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback line" means between the setback line and the highway.

**SURVEYS (also PLANS)** — Surveys and plans as referred to hereinafter shall be considered as accepted by the County or Town Board if county or Town funds have been used in the improvement carried out with such plans.

**TO PLACE** — The locating of a building or structure in a particular situation, whether by original construction or erection or by moving a building or structure to the particular site.

**TRAFFIC LANE** — A strip of roadway intended to accommodate a single line of moving vehicles.

### **§ 330-92. Classes of highways; determination of center lines.**

Highways are classified and the position of the center line shall be determined as follows:

- A. Class A highways. State and federal highways that have been improved according to the surveys and plans of the State Highway Commission or plans accepted by the County Board. The center line is the center of the pavement or surfacing or, if there is none, the center of the graded roadbed, or the center of the directional separator if the highway is to be paved as a double-divided road.
- B. Class B highways. For county highways that have not been improved according to engineering surveys or plans accepted by the County Board or its agent, the County Highway Committee, the center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof. For county highways that have been improved according to engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee, the center line is the center of the surfacing or pavement or, if there is none, the center of the graded roadbed.
- C. Class C highways. For Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board, the

center line is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof. For Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board, the center line is at the center of the surfacing or pavement or, if there is none, the center of the graded roadbed. For roads and streets in platted subdivisions not otherwise classified, the center line is at the midpoint between the right-of-way lines as shown on the recorded plat.

**§ 330-93. Structures permitted within setback lines.**

- A. No new building, new sign, or other new structure or part thereof shall be placed between the setback lines established by this chapter and the highway except as provided by this chapter, and no building, sign, or structure or part thereof existing within such setback lines on the effective date of this chapter shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of 50% or more of its last equalized value, except that an existing building, sign or structure which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats. [Amended 12-10-2007 by Ord. No. 1-2007]
- B. The following kinds of structures may be placed between the setback line and the highway:
  - (1) Temporary signs not over 20 square feet.
  - (2) Communication and power transmission poles and lines may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided that the owner shall file, with the Town of Holland, an agreement in writing to the effect that the owner shall remove all new construction, additions, and replacements erected after the adoption of this chapter at his expense, when necessary for the improvement of the highway.
  - (3) Underground structures not capable of being used as foundations for future prohibited aboveground structures.
  - (4) Access or service highways constructed according to plans as approved by the County Highway Committee. In giving such approval, the County Highway Committee shall give due consideration to highway safety and maximum sight distances.
  - (5) New signs, other than in Subsection B(1) above, where authorized as a conditional use under the provisions of **Article VI** of this chapter.
- C. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the clear sight triangle, as provided by § 330-94 of this chapter below, shall be obstructed.

**§ 330-94. Setback distances.**

- A. Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined in this article is provided by the following subsections of this section.
- B. Whenever a highway is improved to a classification requiring a greater setback distance

than that required by this chapter prior to such improvement, the setback distance shall be that applicable to the later classification.

- C. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- D. Along highways generally, the setback distances from the center line, at any point, for the respective classes of highways shall be as follows:
  - (1) Class A highways, setback distance: 100 feet.
  - (2) Class B highways, setback distance: 75 feet.
  - (3) Class C highways, setback distance: 60 feet, except in platted subdivisions where the setback distance shall be 30 feet from the right-of-way lines, as shown on the recorded plat.
- E. Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point on the boundary line of the highway be less than the following: Class A highways, 75 feet; Class B highways, 67 feet; and Class C highways, 42 feet, except that where structures are to be erected between buildings existing at the time of the adoption of this chapter which are located not more than 250 feet apart and having setback lines less than are established by this article, the Board of Appeals may vary this regulation, provided that the Board of Appeals shall establish such conditions as will hold the Town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation will permit a setback less than the average setback of the adjacent buildings.
- F. Clear sight triangle established. The clear sight triangle is a triangle formed by the right-of-way lines of two intersecting roadways or railways and a third straight line. The third straight line shall connect with said right-of-way lines at points as follows:
  - (1) At ordinary intersection. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class B highways or Class A highways, there shall be setback lines at points located 50 feet from the intersections of the projections of the setback lines along the highways.
  - (2) At railroad grade crossings. At railroad grade crossings there shall be setback lines at points located 100 feet from the intersections of the projections of the setback lines along the highways and the railway right-of-way line.

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## **ARTICLE XVI – Board of Appeals**

### **§ 330-95. Establishment.**

There is hereby established a Board of Appeals for the Town of Holland for the purpose of hearing appeals and applications and for granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

### **§ 330-96. Membership; terms of office; officers.**

- A. The Board of Appeals shall consist of five members recommended by the Town Chairman and confirmed by the Town Board.
- B. Terms shall be for staggered three-year periods.
- C. The Chairman of the Board of Appeals shall be designated by the Town Chairman.
- D. The Town Chairman shall recommend, and the Town Board shall confirm, a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
- E. The Secretary shall be elected by the Board of Appeals. The office of the Board of Appeals shall be the Town Clerk's office.
- F. The Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
- G. Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within five days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

### **§ 330-97. Organization and procedures.**

- A. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this article.
- B. Meetings shall be held at the call of the Chairman of the Board of Appeals, posted in accordance with the Wisconsin Open Meetings Law,<sup>3</sup> and shall be open to the public.
- C. A quorum of the Board of Appeals shall consist of five members or alternates.
- D. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be filed in the office of the Board of Appeals and shall be a public record.
- E. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, to grant a variance, or to make an interpretation.

### **§ 330-98. Powers and duties.**

- A. The Board of Appeals shall have the following powers:

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3. Editor's Note: See §§ 19.81 to 19.98, Wis. Stats.

- (1) Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector.
  - (2) Variances. To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a practical difficulty or unnecessary hardship exists and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created.
  - (3) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
  - (4) Interpretations. To hear and decide applications for interpretations of the zoning regulations and interpretations of the location of the boundaries of the zoning districts, after the Town Plan Commission has made a review and recommendation.
- B. Permits. The Board of Appeals may reverse, affirm wholly or partly, or modify the requirements appealed from and may issue or direct the issuance of a building permit.
- C. Oaths. The Chairman of the Board of Appeals may administer oaths and compel the attendance of witnesses.

#### **§ 330-99. Appeals and applications.**

Appeals of the decision of the Building Inspector or any administrative official concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department or board of the Town. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Building Inspector or administrative official. Applications may be made by the owner of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale, showing all information required for a building permit.
- C. Additional information required by Board of Appeals, the Town Plan Commission, or the Building Inspector.

#### **§ 330-100. Hearings.**

The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 2 notice thereof and shall give due notice to the parties in interest, the Building Inspector and the Town Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

### **§ 330-101. Variances.**

- A. Authorized variances. Variances from the regulations of this chapter shall be granted by the Board of Appeals only in accordance with the standards set out in Subsection B below and may be granted only in the following instances and in no other:
- (1) To vary the applicable lot size requirements, including lot area, lot width, and density requirements.
  - (2) To vary the applicable building bulk limitations, including height, lot coverage, floor area ratio, and yard requirements.
  - (3) To vary the applicable off-street parking and off-street loading requirements.
  - (4) To vary the applicable sign regulations.
  - (5) To vary the regulations and restrictions applicable to nonconformities.
- B. Standards for variances. The Board of Appeals may not grant a variance to the provisions of this chapter unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
- (1) Preservation of intent. No variance may be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance may have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
  - (2) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to a lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.
  - (3) Economic hardship and self-imposed hardship are not grounds for variance. No variance may be granted solely on the basis of economic gain or loss. Self-imposed hardships may not be considered as grounds for the granting of a variance.
  - (4) Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.
  - (5) Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

### **§ 330-102. Decision; conditions; expiration of variance or permit.**

The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and the Town Plan Commission.

- A. The Board of Appeals may place conditions upon any building permit ordered or authorized. The Board may also impose such conditions, safeguards, and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this article to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of

this chapter.

- B. Variances, substitutions or permits granted by the Board of Appeals shall expire within six months unless substantial work has been commenced pursuant to such grant, unless an extension is expressly granted by the Board of Appeals at the applicant's request in advance of the expiration.

**§ 330-103. Review by court of record.**

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.



## ARTICLE XVII – Changes and Amendments

### § 330-104. Authority.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter in accordance with the provisions of the Wisconsin Statutes. Comprehensive ordinance revisions shall be certified by the Wisconsin Land and Water Conservation Board to allow landowners within the exclusive agricultural districts to qualify for farmland preservation tax credits.<sup>4</sup>

### § 330-105. Initiation.

A change to the zoning district or amendment to this chapter may be initiated by the Town Board or the Town Plan Commission or by a petition of one or more of the owners, lessees, or holders of a contract to purchase property within the area proposed to be changed.

### § 330-106. Petition.

Petitions for any change to the district boundaries or amendments to this chapter shall be filed with the Town Clerk, describe the premises to be rezoned or the portion of this chapter to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following where applicable:

- A. Petitioner's name(s), address, phone number, and interest in property.
- B. Name(s), address(es), and phone number(s) of the owner(s) of all properties within the area proposed to be rezoned.
- C. Signatures of all petitioners and owners.
- D. Existing and proposed zoning district.
- E. Proposed use (a statement of the type, extent, area, etc., of any development project).
- F. Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- G. Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- H. Legal description of property to be rezoned.
- I. Plot plan or survey plat of the property to be rezoned (show location, dimensions, zoning of adjacent properties, existing uses, and buildings on adjacent properties, all drawn to scale).
- J. Additional information required by the Town Plan Commission or Town Board.
- K. Fee receipt from the Town Clerk, Treasurer, or Building Inspector in the amount established by the Town Board.

### § 330-107. Rezoning land out of a farmland preservation zoning district.

The Town of Holland has two (2) farmland preservation zoning districts, A-1 prime agricultural district and A-3 agricultural transition district, to which the following regulations apply:

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4. Editor's Note: On October 3, 2006, the Town of Holland Zoning Ordinance text and map were stamped "certified through December 31, 2016" by the Wisconsin Land and Water Conservation Board.

A. The Town may rezone land out of a farmland preservation zoning district without having the rezoning certified under § 91.36, if all of the following apply:

(1) The Town Board finds all of the following, after a public hearing:

(a) The land is better suited for a use not allowed in the farmland preservation zoning district.

(b) The rezoning is consistent with any applicable comprehensive plan.

(c) The rezoning is substantially consistent with the county certified farmland preservation plan.

(d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(2) Beginning on January 1, 2010, the party(ies) who request(s) the rezoning pays to the Town, for each rezoned acre or portion thereof, a conversion fee equal to three times the per acre values, for the year in which the land is rezoned, of the highest value category of tillable cropland in the Town, as specified by the Department of Revenue under § 73.03 (2a), Wis. Stats.

B. The Town shall by March 1 of each year provide all of the following to DATCP:

(1) A report of the number of acres that the Town has rezoned out of a farmland preservation zoning district under § 91.48 (1), Wis. Stats., during the previous year and a map that clearly shows the location of those acres.

(2) A report of the total amount of conversion fees that the Town received as conversion fees under § 91.48 (1)(b), Wis. Stats., for the rezoned acres under § 91.48 (2)(a), Wis. Stats.

(3) A conversion fee equal to the amount under § 91.48 (1)(b)(1), Wis. Stats., for each rezoned acre reported under § 91.48 (2)(a), Wis. Stats.

C. A Town shall by March 1 of each year submit a copy of the information that it reports to DATCP under § 91.48 (2)(a) and (b), Wis. Stats., to Sheboygan County.

D. If the Town fails to comply with § 91.48 (2), Wis. Stats., DATCP may withdraw the certification granted under § 91.06, Wis. Stats., or under § 91.36, Wis. Stats., for the farmland preservation zoning ordinance.

### **§ 330-108. Review and recommendation by Plan Commission.**

The Town Plan Commission shall review all proposed changes and amendments and shall recommend in writing to the Town Board that the petition be granted as requested, modified, or denied.

### **§ 330-109. Hearing.**

A. The Town Board shall, after publishing a Class 2 notice under Ch. 985, Wis. Stats., hold a public hearing upon each petition, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least 10 days' prior written notice to the clerk of any municipality having extraterritorial jurisdiction of any land to be affected by the proposed change or amendment.

- B. The Town Board may delegate to the Town Plan Commission the responsibility to hold public hearings as required under this section.

**§ 330-110. Board action.**

Following such hearing and after consideration of the Town Plan Commission recommendations, the Town Board shall vote on the proposed changes or amendments.

**§ 330-111. Protest.**

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 75% of the voting Town Board members.

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## **ARTICLE XVIII – Administration and Enforcement**

### **§ 330-112. Duties of Building Inspector.**

The Building Inspector, or his duly designated and acting deputy, shall administer, supervise, and enforce the provisions of this chapter and issue all permits required by this chapter. The Building Inspector shall further:

- A. Maintain records of all permits issued, inspections made, and work approved.
- B. Inspect structures, lands, and waters as often as necessary to reasonably assure compliance with this chapter.
- C. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this chapter to the owner, resident agent, or occupant of the premises, and report uncorrected violations to the Town Board Supervisor that is a member of the Town Plan Commission.
- D. Assist the Town Attorney in the prosecution of violations of this chapter.

### **§ 330-113. Powers of Building Inspector.**

The Building Inspector shall have all the powers necessary to enforce the provisions of this chapter, without limitation by reason of enumeration, including the following:

- A. Issue building permits upon application for the erection or use of a structure, land, or water where such erection or use complies with all the provisions of this chapter.
- B. Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats., except in cases of emergency when he/she shall have the right of immediate entry.
- C. Prohibit the use or erection of any structure, land, or water until he/she has inspected and approved such use or erection.
- D. Recommend to the Town Plan Commission any additional use regulations as he/she shall deem necessary.

### **§ 330-114. Building permit.**

- A. Applications for a building permit shall be made to the Building Inspector on forms furnished by the Inspector and shall include the following where pertinent and necessary for proper review:
  - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, surveyor, and contractor, if applicable.
  - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale (not less than 1:40 scale) and approved by the Building Inspector showing the location, boundaries, dimensions, uses, and size of the

following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, floodplain/floodway, and shoreland boundaries; and existing and proposed street, side, and rear yards.

- (4) Additional information as may be required by the Town Plan Commission or the Building Inspector.

B. A building permit shall be granted or denied in writing by the Building Inspector within 30 days of application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within nine months unless substantial work is commenced, and the applicant shall reapply for a building permit before commencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.

#### **§ 330-115. Fees and costs.**

All persons performing work that by this chapter requires the issuance of a permit, or making an application or petition under this chapter, or requesting a special meeting, shall pay a fee to the Town Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits, applications, petitions and meetings. The fees shall be as set by the Town Board. In addition to any other fees, the Town shall also charge such persons for the actual cost of professional fees incurred by the Town in investigating and processing permits, applications and petitions and for the actual cost of publication fees incurred by the Town for notices required to be published under this chapter.

#### **§ 330-116. Double fee.**

A double fee may be charged by the Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

#### **§ 330-117. Remedial action.**

Whenever an order of the Building Inspector has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, Building Inspector, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

#### **§ 330-118. Prohibited acts.**

It shall be unlawful to improve, develop, or use any structure or to improve, develop or use any land, water, or air in violation of any of the provisions of this chapter. In case of any violation, the Building Inspector, the Town Board, the Town Plan Commission, or any owner of property within the district affected who may be specifically damaged by such violation may institute the appropriate action or proceedings to enjoin a violation of this chapter or cause a structure to be vacated or removed.

#### **§ 330-119. Violations and penalties.**

Any person who fails to comply with the provisions of this chapter or any order of the Building Inspector issued in accordance with this chapter, or resists enforcement, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

## **ARTICLE XIX – Adoption**

### **§ 330-120. Plan Commission recommendations.**

The Town Plan Commission of the Town of Holland recommended the adoption of this chapter at a meeting held on [REDACTED], 2010.

### **§ 330-121. Public hearings.**

Pursuant to and in accordance with the laws of the State of Wisconsin, the Town Board authorized and the Town Plan Commission held a public hearing on this chapter on [REDACTED], 2010.

### **§ 330-122. Town Board approval.**

The Town Board of the Town of Holland concurred with the recommendation of the Town Plan Commission and adopted this chapter at a meeting held on [REDACTED], 2010.

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## **APPENDICES**

**Appendix A. Zoning map**

**Appendix B. Farmland preservation, chapter 91, Wis. Stats.**